

No. 6294

**POLAND
and
BULGARIA**

**Agreement on co-operation in matters of social policy
(with Additional Protocol). Signed at Warsaw, on
12 July 1961**

Official texts: Polish and Bulgarian.

Registered by Poland on 29 August 1962.

**POLOGNE
et
BULGARIE**

**Accord relatif à la coopération en matière de politique
sociale (avec protocole additionnel). Signé à Varsovie,
le 12 juillet 1961**

Textes officiels polonais et bulgare.

Enregistré par la Pologne le 29 août 1962.

[TRANSLATION — TRADUCTION]

No. 6294. AGREEMENT¹ ON CO-OPERATION IN MATTERS OF SOCIAL POLICY BETWEEN THE POLISH PEOPLE'S REPUBLIC AND THE PEOPLE'S REPUBLIC OF BULGARIA. SIGNED AT WARSAW, ON 12 JULY 1961

The Council of State of the Polish People's Republic and the Presidium of the National Assembly of the People's Republic of Bulgaria, desiring to develop co-operation between them in matters of social policy and being convinced that this will serve to strengthen further the friendship between the two States, have decided to conclude this Agreement and have for this purpose appointed as their plenipotentiaries :

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

Józef Kofman, Deputy Chairman of the Labour and Wages Committee;

The Presidium of the National Assembly of the People's Republic of Bulgaria :

Georgi Manev, Deputy Minister for Finance,

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

I. PRINCIPLES OF CO-OPERATION

Article 1

The Contracting Parties shall co-operate on all questions and in all sectors of social policy and labour legislation in order to broaden and intensify social progress in their own States and at the international level.

To this end the Contracting Parties shall, in particular :

- (a) promote and facilitate the exchange of experience and co-operation between the competent authorities, institutions and organizations;
- (b) facilitate the exchange of statistical data and of legal provisions and publications on matters of social policy;
- (c) promote the organization of lectures and exhibitions illustrating the achievements of the two States in the field of social policy;

¹ Came into force on 1 April 1962, the first day of the month following the exchange of the instruments of ratification which took place at Sofia on 30 March 1962, in accordance with article 24.

- (d) facilitate meetings and the exchange of visits between workers so as to familiarize those of each Contracting Party with the work of the corresponding authorities, institutions and organizations of the other Contracting Party.

Article 2

The Contracting Parties shall promote reciprocal holiday arrangements for children, young people and workers. The details shall be determined by agreement between the competent central authorities or organizations of the Contracting Parties.

II. PRINCIPLE OF EQUAL TREATMENT

Article 3

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, social insurance, vocational training, trade union membership and the enjoyment of all other social facilities.

Article 4

(1) Nationals of one Contracting Party residing in the territory of the other Contracting Party shall be accorded equal treatment with nationals of the latter Party in matters pertaining to social assistance and health care, especially as regards the provision of material assistance, admission to social assistance institutions and the provision of medical assistance.

(2) Nationals of one Contracting Party residing temporarily in the territory of the other Contracting Party shall, where necessary, be provided with assistance sufficient to enable them to return to their own country.

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

III. SOCIAL INSURANCE

(A) GENERAL PROVISIONS

Article 5

(1) This Agreement shall apply to the legal provisions enacted or to be enacted in either Contracting Party under which manual and non-manual

workers and persons treated as workers, hereinafter referred to as "workers", and members of their families are or will be covered by social insurance.

(2) Workers, with the exception of those referred to in paragraphs (3) and (4), shall be covered by social insurance in accordance with the legal provisions of the Contracting Party in whose territory the insurable employment or activity is carried on.

(3) 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 covered by 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.

(4) Nationals of one Contracting Party who are employed at a diplomatic, consular or other mission of that Party established in the territory of the other Contracting Party or by an employee of such mission, shall be covered by social insurance in accordance with the legal provisions of the Party which maintains the said mission.

(5) The central authorities of the Contracting Parties may agree that the exceptions provided for in paragraphs (3) and (4) shall not be applicable in general or in individual cases or may, by agreement, establish further exceptions.

(6) Benefits shall be granted by the competent authorities of the Contracting Party under whose legal provisions the workers were covered by social insurance in accordance with the provisions of paragraphs (2) to (5), unless this Agreement provides otherwise.

Article 6

(1) In establishing the right to social insurance benefits and in determining 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 periods are to be recognized as employment periods and equivalent periods completed in its territory.

(2) If, under the legal provisions of one Contracting Party, the rate of pecuniary benefit is computed on the basis of remuneration received during a specified employment period, remuneration received during such period in the territory of the other Contracting Party shall also be taken into account in determining the amount of such remuneration.

Article 7

Where the legal provisions of either Contracting Party make the acquisition, exercise or recovery of the right to social insurance benefits conditional upon permanent or temporary residence in its territory, each Contracting Party shall treat permanent or temporary residence in the territory of the other Party as permanent or temporary residence in its own territory.

(B) GRANT OF SICKNESS AND MATERNITY BENEFITS

Article 8

(1) Benefits in kind under sickness and maternity insurance shall be granted by the competent authority in accordance with the provisions and at the expense of the Contracting Party in whose territory the entitled person (worker, pensioner or family member) resides. This provision shall also apply to the persons specified in article 5, (paragraph (3)), and to members of their families.

(2) The competent authorities of the Contracting Parties may agree that the provisions of the preceding paragraph shall also apply to the persons specified in article 5, paragraph (4), and to members of their families.

Article 9

Pecuniary benefits under sickness and maternity insurance which are payable by the competent authority of one Contracting Party shall be granted by the said authority even if the entitled person is temporarily or permanently resident in the territory of the other Contracting Party. The authority responsible for granting the benefits may entrust the payment thereof to the authority of the other Contracting Party against reimbursement of the expenses incurred.

(C) GRANT OF PENSIONS

Article 10

(1) In the case of workers who have been employed in the territory of both Contracting Parties and members of their families, the right to a pension shall be established by the competent authorities of the Contracting Parties in accordance with their own legal provisions and with due regard to the provisions of article 6.

(2) If the conditions for a pension are satisfied in accordance with the legal provisions of both Contracting Parties, the competent authority of each Contracting Party shall determine the rate of pension, together with all allowances and increments, as though the aggregate employment period completed in the territory of the two Contracting Parties had been completed wholly in accordance

with the said authority's legal provisions. Of the pension thus computed, the competent authority of each Contracting Party shall pay that partial pension which corresponds to the employment period completed in the territory of that Party.

(3) If the employment period completed in the territory of one Contracting Party is less than six months, the competent authority of that Party shall not be liable for any pension. This shall not entitle the competent authority of the other Contracting Party, which shall be responsible for the pension, to reduce the amount thereof.

(4) In the event of the death of a pensioner who has been drawing a pension under paragraph (2), or of a member of his family, the funeral allowance shall be payable in its entirety by the competent authority of the Contracting Party in whose territory the funeral takes place.

(5) 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 or to the degree of loss of working capacity shall also be binding on the competent authority of the other Contracting Party.

Article 11

(1) If an entitled person satisfies the conditions for a pension under the legal provisions of only one Contracting Party, the competent authority of that Party shall award a partial pension in accordance with the provisions of article 10. However, such pension shall not be less than the pension which would have been payable under the domestic provisions.

(2) If the entitled person subsequently satisfies the conditions for a pension under the legal provisions of the other Contracting Party also, the pension shall be determined afresh by the competent authorities of the two Contracting Parties in accordance with the provisions of article 10.

(3) Entitlement to a pension acquired in virtue of employment in the territory of one Contracting Party shall not be lost when a retirement, old-age or invalidity pension is drawn from the authority of the other Contracting Party.

Article 12

The provisions of articles 10 and 11 shall also apply where the invalidity or death of a worker is due to an industrial accident or disease. However, the pension increment or partial pension whereby the pension accruing in such a case exceeds the amount of a pension for invalidity due to other causes shall be awarded and paid by the competent authority of the Contracting Party in whose territory the accident occurred or the worker contracted the industrial disease.

(D) GRANT OF FAMILY ALLOWANCES

Article 13

The fact that members of a worker's or pensioner's family reside in the territory of the other Contracting Party shall constitute no impediment to the award or payment of family allowances by the competent authority of the Contracting Party in which the worker is employed or from which he draws a pension.

Article 14

Where the right to family allowances in virtue of the receipt of a pension from the authority of one Contracting Party is held concurrently with the right to such allowances in virtue of employment in the other Contracting Party, family allowances shall be payable only by the authority of the latter Party.

IV. COMMON, TRANSITIONAL AND FINAL PROVISIONS

(A) COMMON PROVISIONS

Article 15

Claims, appeals and other documents required for the exercise of rights under this Agreement, which are filed within the prescribed 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. Such documents shall be forwarded immediately to the competent authority of the other Contracting Party.

Article 16

(1) If claims, appeals and other 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 submitted by the nationals or authorities of the other Contracting Party.

(2) Documents required for the exercise of rights under this Agreement shall not require legalization for use in the territory of the other Contracting Party.

Article 17

The consular authorities of either Contracting Party shall be entitled, without power of attorney, 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 18

(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 19

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

Article 20

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 21

(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 22

Transfers of money to the territory of the other Contracting Party pursuant to this Agreement shall be effected in accordance with the provisions of the agree-

ments concerning non-commercial payments in force between the Contracting Parties at the time of transfer.

(B) TRANSITIONAL AND FINAL PROVISIONS

Article 23

(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 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 that the right to a pension may be established in accordance with the provisions of this Agreement.

(4) Pensions established in accordance with the provisions of paragraph (3) shall be paid from a date specified in the legal provisions of the Contracting Party whose authority is responsible for awarding the pension, but not earlier than the date of entry into force of this Agreement.

(5) If payment of a pension has been withheld by reason of the entitled person's residence in the territory of the other Contracting Party, the pension, with allowances and increments, shall be payable with effect from a date specified in the legal provisions of the Contracting Party whose authority is responsible for paying the pension, but not earlier than the date of entry into force of this Agreement.

Article 24

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 Sofia.

Article 25

(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, and shall in that event cease to have effect at the end of the said year.

(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 12 July 1961, in duplicate in the Polish and Bulgarian 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 :

J. KOFMAN

For the Presidium
of the National Assembly
of the People's Republic
of Bulgaria :

G. MANEV

ADDITIONAL PROTOCOL

On signing the Agreement on co-operation in matters of social policy between the Polish People's Republic and the People's Republic of Bulgaria,¹ the Contracting Parties, being anxious to enable their nationals to exercise rights additional to those covered by the said Agreement, have agreed as follows :

Article I

(1) Pensions granted by the competent authority of either Contracting Party to members of the armed forces and of the people's militia and persons of equivalent status, war and military invalids, participants in the partisan and underground movement during the Second World War, victims of fascist terror and holders of honours, and to members of the families of the persons enumerated, shall be paid even if the entitled persons are permanently resident in the territory of the other Contracting Party.

(2) Acquisition of the nationality of the other Contracting Party by the persons referred to in the preceding paragraph shall not entail loss of the right to a pension.

(3) If the pensions referred to in paragraph (1) have not been awarded, or if the payment thereof has been withheld by reason of the entitled person's residence in the territory of the other Contracting Party or of his acquisition of that Party's nationality, the case shall be examined afresh on the application of the entitled persons or on that of the competent authority of the Contracting Party of which the entitled person is a national.

(4) The provisions of article 22 and article 23, paragraphs (4) and (5), of the Agreement on co-operation in matters of social policy, shall apply as appropriate to the payment of pensions under this Protocol.

¹ See p. 168 of this volume.

Article II

Persons drawing from the authority of either Contracting Party the pensions referred to in article I of this Protocol shall receive, while resident in the territory of the other Contracting Party, the necessary preventive medical care and treatment from the competent authority of that Party under the same conditions and to the same extent as nationals of that Party who are in receipt of such pensions. The provisions of article 8 of the Agreement on co-operation in matters of social policy shall apply to such cases.

Article III

This Protocol constitutes an integral part of the Agreement on co-operation in matters of social policy between the Polish People's Republic and the People's Republic of Bulgaria.

This Protocol is done at Warsaw on 12 July 1961, in duplicate in the Polish and Bulgarian languages, both texts being equally authentic.

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

J. KOFMAN

For the Presidium
of the National Assembly
of the People's Republic
of Bulgaria :

G. MANEV
