

No. 7316

**CZECHOSLOVAKIA
and
BULGARIA**

**Agreement (with Final Protocol) respecting co-operation
in the field of social policy. Signed at Prague, on
25 January 1957**

Official texts: Czech and Bulgarian.

Registered by Czechoslovakia on 24 June 1964.

**TCHÉCOSLOVAQUIE
et
BULGARIE**

**Accord de coopération en matière de politique sociale
(avec Protocole final). Signé à Prague, le 25 janvier
1957**

Textes officiels tchèque et bulgare.

Enregistré par la Tchécoslovaquie le 24 juin 1964.

[TRANSLATION¹ — TRADUCTION]

No. 7316. AGREEMENT² BETWEEN THE GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BULGARIA RESPECTING CO-OPERATION IN THE FIELD OF SOCIAL POLICY. SIGNED AT PRAGUE, ON 25 JANUARY 1957

The President of the Czechoslovak Republic and the Presidium of the National Assembly of the People's Republic of Bulgaria, desiring further to intensify and develop mutual relations in the field of social policy, in a spirit of friendship and co-operation, between the Czechoslovak Republic and the People's Republic of Bulgaria, have with that end in view decided to conclude a new Agreement.

They have for that purpose appointed as their plenipotentiaries :

The President of the Czechoslovak Republic :

Evžen Erban, Chairman of the State Social Security Institute;

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

Marin Dimitrov Geshkov, Head of the Department of Pensions and Social Welfare of the Ministry of Public Health and Social Welfare, and

Ivan Tsvetkov Laley, Head of the Department of State Social Insurance of the Central Council of Trade Unions,

who, having exchanged their full powers, found in good and due form, have agreed on the following provisions :

I. BASIC PROVISIONS

Article 1

SCOPE OF THE AGREEMENT

(1) The two Contracting Parties agree to co-operate on all questions and in all spheres of social policy, more particularly with a view to developing and consolidating social progress both in their own countries and in the international field.

¹ With the exception of the Preamble, Articles 7, 9, 10, 11, 12, 13 of the Agreement and Title IV of the Final Protocol, this text is a translation made by the International Labour Office (International Labour Office, *Legislative Series*, September-October 1958).

² Came into force on 1 August 1957, the first day of the month following the exchange of the instruments of ratification which took place at Sofia on 24 July 1957, in accordance with article 17 (1).

(2) To this end the two Contracting Parties agree to encourage exchanges of experience in the field of social policy, comprehensive and reciprocal reporting of information and co-operation between the competent authorities, institutions and occupational and other organisations.

(3) The two Contracting Parties agree to encourage reciprocal visits arranged by the authorities, institutions and occupational and other organisations in the field of social policy.

(4) The two Contracting Parties agree to encourage reciprocal measures for the provisions of holiday facilities for children, young persons and workers, to be undertaken by the State and by occupational and other organisations. The details shall be determined by agreement between the competent central authorities and agencies of the two Contracting Parties.

(5) The two Contracting Parties undertake to co-operate on all international social questions affecting the nationals of both States, such as the tracing of lost persons, the furnishing of documents and information, the determination of individual questions of personal and family relationships, etc.

(6) This Agreement shall also govern the relations between the two Contracting Parties in connection with all branches of social insurance, as now established or to be established in either of the States. Except as this Agreement stipulates to the contrary its provisions shall likewise apply to pension increments payable under special provisions or guaranteed by contract in virtue of an employment relationship. The provisions of this Agreement shall further apply to pensions granted in the Czechoslovak Republic to persons disabled on military service or in war and to the victims of war and Fascist persecution, and to the national, war disablement and civil disablement pensions granted in the People's Republic of Bulgaria.

Article 2

PRINCIPLE OF EQUALITY OF TREATMENT

(1) The nationals of one State working on the territory of the other, and the families of such persons, shall, as regards the provisions of labour law and all other spheres of social policy, including social insurance, be treated in the same way as the nationals of the latter State, except as is provided to the contrary in this Agreement. They shall have the same rights and obligations as the nationals of that State.

(2) The principle of equality of treatment stated in paragraph (1) above shall not apply to rights of nationals of the other State which were acquired in virtue of an insurance based on periods of qualifying service or periods of time equivalent thereto spent in a third State or in virtue of an employment

accident (occupational disease) suffered on the territory of a third State, save as may be decided to the contrary by agreement between the competent central authorities or agencies of the two Contracting Parties.

II. SOCIAL INSURANCE

Article 3

ADMINISTRATION OF INSURANCE

(1) The administration of social insurance shall be subject to the law of the State in whose territory the occupation is carried on, save in the case of the grant of pensions and other benefits, to which the provisions of articles 4 and 5 shall apply.

(2) The law of the State in which the occupation is carried on shall apply, *inter alia*, to the liability to insurance, the commencement and cessation of insurance, exclusion from insurance and the recognition of equivalent periods in respect of which insurance contributions are not payable but which count as periods of coverage.

(3) The administration of insurance in accordance with the preceding paragraphs shall be the responsibility of the agencies of the State in which the occupation is carried on.

Article 4

PAYMENT OF PENSION INSURANCE BENEFITS

(1) Pensions and other benefits in virtue of pension insurance shall be granted in accordance with its own rules by the pension insurance carrier of the State on whose territory the insured person (or the member of his family, where the latter is the beneficiary) is living when the entitlement is acquired. For this purpose the insurance carrier shall take account of any recognised period of qualifying service or insurance acquired in the other State and likewise of any period acquired in accordance with the laws of the person's country of residence. The provisions of the first sentence above shall also apply, *mutatis mutandis*, to the cases referred to in the second sentence of paragraph (6) of article 1.

(2) Where a pensioner moves from one State to the other, the payment of the pension shall cease from the first day of the month following that in which he moves. The foregoing shall also apply to the cases referred to in the second sentence of paragraph (6) of article 1.

(3) The insurance carrier of the State to which the pensioner moves shall pay him a pension (pension benefits) in accordance with its own rules; in so doing it shall apply, *mutatis mutandis*, the provisions of the second sentence

of paragraph (1) above. If the person returns, the insurance carrier of the first State shall recommence payment of the pension from the date of his return. The provisions of the preceding sentence shall also apply to the cases referred to in the second sentence of paragraph (6) of article 1.

(4) The provisions of the first sentence of paragraph (3) above shall also apply to cases where the insured person (or the member of his family, where the latter is the beneficiary) moves after becoming entitled to a pension but before it is granted to him in the country of his initial residence.

(5) The agencies of the country of residence shall be responsible for deciding on entitlements to pensions and other benefits in virtue of pension insurance under the preceding paragraphs.

(6) If the pensioner or insured person (or the member of his family, where the latter is the beneficiary) moves to a third State, a pension shall be granted to him within the framework of national legislation by the insurance carrier of the State whose national he is, save where other provision has been made for his entitlement under other international agreements. The provisions of the second sentence of paragraph (1) above shall in this case apply, *mutatis mutandis*.

Article 5

PAYMENT OF CASH BENEFITS IN THE EVENT OF SICKNESS AND MATERNITY

(1) Cash benefits in the event of temporary incapacity for work on account of sickness, accident or maternity, family allowances and burial grants shall be awarded in accordance with its own rules by the insurance carrier of the State on whose territory the insured person (or the member of his family, where the latter is the beneficiary) is living. In this case account shall also be taken of any period of qualifying service acquired in the other State.

(2) If the insured person (or the member of his family) moves to the other State, the payment of benefit shall cease from the date on which he moves. In such cases the insurance carrier in the other State shall pay any cash benefits and allowances that are due in accordance with its own rules, account being taken of the time for which the insured person received such benefits and allowances on the first State.

(3) Benefits in kind in the event of sickness, accident or maternity shall be granted in accordance with its own rules by the insurance carrier of the State on whose territory the insured person (or the member of his family, where the latter is the beneficiary) is resident.

Article 6

SPECIAL PROVISIONS AS TO CERTAIN CATEGORIES OF PERSONS

(1) The employees of diplomatic, consular and other authorities and agencies of government (customs and passport authorities, etc.) established by

one State in the other shall be insured under the law of the State by which they were appointed if they are nationals of that State. The foregoing shall also apply to the insurance of persons working for the employees of such authorities and agencies.

(2) Employees who—

- (a) work in public land, river or air transport undertakings of one State and who are sent on temporary or permanent duty to the territory of the other State;
- (b) are sent on temporary duty to the territory of one State by an undertaking or employer not covered under (a) above and whose principal place of business is in the other State,

shall be insured under the law of the State in which the management of the undertaking or employer to which or to whom the said employees are personally subordinated is established; the foregoing shall not apply to the grant of benefits in kind in virtue of social insurance, to which the provisions of paragraph (3) of article 5 shall apply.

(3) In the cases referred to in the preceding paragraphs the authorities of the State from which the persons concerned were sent shall be competent both in respect of the administration of insurance and in respect of the grant of benefits.

(4) The competent central authorities and agencies of the two Contracting Parties may, by mutual agreement, provide for further exceptions to be made or arrange that the exceptions mentioned in the preceding paragraphs are not to be observed at all or are not to be observed in specified instances.

Article 7

EXCLUSION OF BILATERAL ACCOUNTING ARRANGEMENTS

An insurance carrier paying benefits under this Agreement shall not be entitled to claim from the insurance carrier of the other State any reimbursement of benefits paid. The same shall apply in the case of an insurance carrier paying advances on benefits in accordance with his own rules.

III. ASSISTANCE AND CARE IN THE CASE OF UNINSURED PERSONS

Article 8

(1) Nationals of one State who are resident on the territory of the other and who are not entitled to insurance, either personally or as members of an insured person's family, shall be guaranteed the necessary assistance and care, if they so require, by the State on whose territory they are resident, subject to the conditions and rates applied by that State in the case of its own nationals.

(2) Such assistance and care shall take the form of material help or medical treatment, admission to public institutions, homes for the aged, etc. Depending on the circumstances and the actual needs, more than one type of assistance and care may be provided simultaneously.

(3) Assistance and care provided under the preceding paragraphs shall not afford a basis for any claim to the reimbursement by the other State of the expenditure incurred. The foregoing shall not, however, preclude the possibility of claims to reimbursement by the persons to whom assistance was provided, or by the persons responsible for their maintenance.

(4) Assistance and care in accordance with the preceding paragraphs shall also be provided, if necessary, to nationals of the other State who are in receipt of pensions under this Agreement.

IV. GENERAL PROVISIONS

Article 9

MUTUAL LEGAL ASSISTANCE

(1) The insurance carriers, authorities, courts and other agencies associated in administering the social policy of the two Contracting Parties shall afford one another legal assistance to the same extent as they would in administering the social policy of their own States. The insurance carrier of each State shall, in particular, transmit to the insurance carrier of the other State the necessary information concerning the conditions for the award of benefits. It shall for that purpose take the necessary measures to determine whether those conditions have been satisfied.

(2) The insurance carriers, authorities, courts and other agencies of the two States shall communicate with one another direct in matters relating to the application of this Agreement.

(3) Documents, certificates and other papers issued in pursuance of this Agreement shall not require legalization by diplomatic or consular authorities.

Article 10

USE OF THE LANGUAGE OF THE OTHER STATE

Claims, requests, complaints and other applications relating to the social insurance of nationals of one State which are submitted to the insurance carriers, authorities, courts or other agencies of the other State shall not be rejected on the ground that they are written in the official language of the former State.

Article 11

OBSERVANCE OF TIME-LIMITS

Claims, requests, complaints and other applications which must be submitted to insurance carriers, authorities, courts or other agencies of one of the two States within a specified time-limit shall be deemed to have been submitted in due time if they are submitted within the specified time-limit to the insurance carrier, authority, court or other agency of the other State. In such cases, the document shall be transmitted forthwith to the competent central authority or agency or direct to the competent insurance carrier, authority, court or other agency of the other State.

Article 12

REPRESENTATION OF NATIONALS OF THE OTHER STATE

Consuls of the two Contracting Parties shall be entitled to represent nationals of their own State (either personally or through a person authorized for the purpose) before the insurance carriers, authorities, courts and other agencies of the other State in all questions arising out of this Agreement.

Article 13

CENTRAL AUTHORITIES AND AGENCIES ADMINISTERING THE AGREEMENT

(1) This Agreement shall be administered in the two States by the central authorities and agencies competent under the domestic legislation of the State concerned. The said authorities and agencies shall be in regular, direct communication with one another, and, where necessary, meetings shall be held between their representatives with a view to the discussion of specific matters relating to the administration of the Agreement and the exchange of experience in the field of social policy.

(2) The two Contracting Parties shall, immediately after the entry into force of this Agreement, specify to each other the central authorities and agencies competent to administer the Agreement, and they shall notify each other forthwith of any changes subsequently made in that regard.

Article 14

CO-OPERATION WITH OCCUPATIONAL ORGANISATIONS

This Agreement shall be administered in close co-operation with the occupational organisations in the two States.

Article 15

PROVISIONS FOR THE ADMINISTRATION OF THE AGREEMENT

(1) Provisions for the administration of this Agreement may be issued independently in the two States with a view to regulating, *inter alia*, the manner of calculating pensions and benefits in respect of temporary incapacity for work, the manner of determining the period of qualifying service, etc. Such provisions shall invariably be communicated to the competent central authority or agency of the other Contracting Party.

(2) The central authorities and agencies of the two Contracting Parties shall in due course notify one another of any changes that are made to their domestic legislation in the field of social policy.

(3) If any uncertainties arise in the administration of this Agreement owing to unforeseen circumstances or changes in the law, or if there are any differences of opinion as to its interpretation, the competent central authorities and agencies shall agree on the manner in which the Agreement is to be applied.

V. TRANSITIONAL AND CONCLUDING PROVISIONS

Article 16

(1) In the grant of pensions and other social insurance benefits, account shall be taken of any period of qualifying service acquired in either country before the commencement of this Agreement.

(2) The provisions of article 4 of this Agreement shall also apply from the date of commencement of the Agreement to cases in which an entitlement to benefit was acquired before that date.

Article 17

(1) This Agreement shall be ratified in the shortest possible time. Immediately thereafter, the instruments of ratification shall be exchanged at Sofia. The Agreement shall come into operation on the first day of the month following the exchange of the instruments of ratification.

(2) From the date of commencement of this Agreement the Agreement respecting co-operation in the field of social policy and administration and the Agreement respecting social insurance, which were concluded between the People's Republic of Bulgaria and the Czechoslovak Republic on 11 September 1948 and 1 April 1949 respectively, shall cease to have effect, with the exception of article 3 of the Final Protocol to the latter.

(3) Either of the two Contracting Parties may denounce this Agreement for the end of any calendar year, subject to six months' notice. Rights acquired

under this Agreement shall not be forfeited by reason of its termination; their further exercise shall be governed by the domestic legislation of the State concerned.

DONE at Prague on 25 January 1957 in duplicate in the Czech and Bulgarian languages. Both texts are equally authentic.

IN WITNESS WHEREOF the plenipotentiaries duly authorised for the purpose have signed this Agreement and have thereto affixed their seals.

For the Czechoslovak
Republic :
E. ERBAN

For the People's Republic
of Bulgaria :
M. GESHKOV
I. LALEV

FINAL PROTOCOL

On signing the Agreement between the Czechoslovak Republic and the People's Republic of Bulgaria respecting co-operation in the field of social policy, the two Contracting Parties have agreed as follows :

I

(Paragraph (2) of article 1 refers)

Exchanges of experience and reciprocal reporting of information in the field of social policy shall more particularly be effected—

- (a) by organising an exchange of specialised books, periodicals and other publications between the competent authorities, organisations and other institutions of the two Contracting Parties;
- (b) by organising an exchange of legislative, statistical and other material;
- (c) by keeping the general public properly informed of the development and results of social policy in the other Contracting Party;
- (d) by exchanging specialists in the field of social insurance, pensions, social welfare, etc.

II

(Paragraph (1) of article 2 refers)

The expression "the provisions of labour law" means the provisions relating to contracts of employment, hours of work and leave, wages and salaries, and the protection of life and health, including the protection of young persons and women.

III

(Paragraph (3) of article 5 refers)

As regards the details and, more particularly, the scope of the benefits in kind granted in the event of sickness, accident or maternity to the nationals of one State who are resident on the territory of the other, the provisions issued to give effect to the previous Agreement of 1 April 1949 respecting social insurance, the Agreement of 11 September 1948 respecting co-operation in the field of social policy and administration and the arrangements concluded between the two Contracting Parties on the basis of these Agreements shall remain in force until such time as an agreement on co-operation in matters of health is reached between the two States.

IV

(Paragraph (2) of article 16 refers)

Within a period of one month following the ratification of the Agreement, each Contracting Party shall communicate to the other a list of the pensions granted under its own legislation or under the previous Agreement of 1 April 1949 respecting social insurance and paid in the other State, before the entry into force of the Agreement, to its own nationals or to nationals of the other State. The State assuming responsibility for such pensions shall continue to pay them in the previous amount, if the previous pension was greater than would be a pension fixed under article 4 of the Agreement.

V

The provisions of this Agreement shall not apply to pensions granted in respect of special services.

This Final Protocol is an integral part of the Agreement between the Czechoslovak Republic and the People's Republic of Bulgaria respecting co-operation in the field of social policy, and has been drawn up in duplicate in the Czech and Bulgarian languages. Both texts are equally authentic.

Prague, 25 January 1957.

For the Czechoslovak
Republic :
E. ERBAN

For the People's Republic
of Bulgaria :
M. GESHKOV
I. LALEV