

No. 8381

HUNGARY
and
UNION OF SOVIET SOCIALIST REPUBLICS

**Agreement on co-operation in the field of social security
(with Protocol). Signed at Budapest, on 20 December
1962**

Official texts: Hungarian and Russian.

Registered by Hungary on 9 November 1966.

HONGRIE
et
**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES**

**Accord concernant la coopération en matière de sécurité
sociale (avec Protocole). Signé à Budapest, le 20 dé-
cembre 1962**

Textes officiels hongrois et russe.

Enregistré par la Hongrie le 9 novembre 1966.

[TRANSLATION — TRADUCTION]

No. 8381. AGREEMENT¹ BETWEEN THE HUNGARIAN PEOPLE'S REPUBLIC AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON CO-OPERATION IN THE FIELD OF SOCIAL SECURITY. SIGNED AT BUDAPEST, ON 20 DECEMBER 1962

The Presidential Council of the Hungarian People's Republic and the Presidium of the Supreme Court of the Union of Soviet Socialist Republics,

Desiring to expand and intensify co-operation in the field of social security in the spirit of friendship existing between the two countries, have decided to conclude this Agreement and for that purpose have appointed as their plenipotentiaries :

The Presidential Council of the Hungarian People's Republic :

Ödön Kisházi, Minister of Labour of the Hungarian People's Republic;

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

V. I. Ustinov, Ambassador Extraordinary and Plenipotentiary of the Union of Soviet Socialist Republics to the Hungarian People's Republic,

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

I. FUNDAMENTAL PRINCIPLES OF CO-OPERATION

Article 1

The Contracting Parties shall co-operate in all matters pertaining to social security and social insurance. For that purpose, the competent authorities of the Contracting Parties :

(a) Shall keep each other informed of their legislation on social security and social insurance;

(b) Shall exchange information, specialized literature and periodicals useful in the study of questions of social security and social insurance;

(c) Shall exchange information on the results achieved in research in the field of social security and social insurance;

¹ Came into force on 1 July 1963, the first day of the month following the exchange of the instruments of ratification which took place at Moscow, in accordance with article 20.

(d) Shall facilitate the exchange of experience and visits by specialists in the field of social security and social insurance;

(e) Shall assist citizens of the Contracting Parties in obtaining the documents required for the purpose of determining their entitlement to social security and social insurance benefits;

(f) Shall, in accordance with this Agreement, ensure that the social security and social insurance claims of citizens are satisfied.

Article 2

Citizens of one Contracting Party resident in the territory of the other Contracting Party shall, save as otherwise provided in this Agreement, enjoy full equality of treatment with citizens of the latter Party with regard to labour legislation, social security and social insurance.

II. SOCIAL SECURITY AND SOCIAL INSURANCE

Chapter 1

GENERAL PROVISIONS

Article 3

This Agreement shall apply to all social security benefits, in kind or in cash, which have been or will be established by the law of the Contracting Parties for their citizens in respect of old age, invalidity, loss of a breadwinner, sickness or maternity and in other contingencies covered by the law of the Contracting Parties.

Article 4

1. All benefits, in kind or in cash, provided for in this Agreement shall be granted, in accordance with the law of its own State, by the competent authority of the Contracting Party in whose territory the entitled person is permanently resident.

2. Notwithstanding the provisions of paragraph 1 :

(a) Employees of diplomatic, consular and commercial missions and other agencies of one State present in the territory of the other State shall be granted social security benefits under the law and by the competent authorities of the sending State if they are citizens thereof. The same rule shall apply in respect of social security benefits granted to manual and non-manual workers in the service of employees of such agencies if the said workers are citizens of the sending State;

(b) Employees of undertakings of one State who are sent to work in the territory of the other State shall be granted social security benefits under the law and by the competent authorities of the State in whose territory the undertaking is situated.

3. Medical assistance to the citizens referred to in paragraph 2 of this article shall be furnished in accordance with the provisions of article 8 of this Agreement.

Article 5

1. In the award of pensions and other benefits and in fixing their amounts, full credit shall be given for all employment periods (insurance periods) and periods of activity equivalent thereto completed in the territory of either Contracting Party.

2. If the law of one Contracting Party whose authority calculates employment periods in awarding pensions or other benefits provides for preferential treatment for citizens employed under injurious or arduous conditions, periods completed under such conditions shall give entitlement to preferential treatment in the territory of the other Contracting Party as well.

3. Each Contracting Party shall proceed in accordance with its own law in matters relating to the calculation of employment periods (insurance periods) or periods of activity equivalent thereto completed in the territory of a third State.

Article 6

In cases in which the acquisition, validity or renewal of social security rights or the amount of benefits is conditional, under the law of one Contracting Party, on residence in the territory of that Party, residence in the territory of the other Contracting Party shall be regarded as residence in the territory of the former Party.

Chapter 2

TEMPORARY DISABILITY BENEFIT AND OTHER BENEFITS

Article 7

1. Temporary disability benefits, maternity benefits, benefits for the education and maintenance of children and other benefits shall be awarded and paid, in accordance with the law of its own State and at its own expense, by the competent authority of the Contracting Party in whose territory the citizen concerned is permanently resident.

2. If a person 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. The competent authority of the Contracting Party in whose territory he has settled shall award and pay the benefit, in accordance with the law of its own State, as from the day on which payment by the former Party ceases.

Article 8

1. Citizens of one Contracting Party who are in the territory of the other Contracting Party shall be given medical assistance under 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.

Chapter 3

AWARD AND PAYMENT OF PENSIONS

Article 9

1. Pensions in respect of old age, disability (including cash payments in respect of industrial accidents and occupational diseases) or loss of a breadwinner shall be awarded and paid, in accordance with the law of its own State and at its own expense, by the social security authority of the Contracting Party in whose territory the person concerned is permanently resident at the time he applies for pension.

2. If a pensioner leaves the territory of one Contracting Party to settle in the territory of the other Contracting Party, payment of the pension shall cease as from the end of the month of the pensioner's resettlement. The competent authority of the Contracting Party in whose territory the pensioner has settled shall thereafter provide him with a pension in accordance with the law of its own State and at its own expense, as from the first day of the month following that of the resettlement. Entitlement to pension shall not be reviewed if the law of that Contracting Party provides for the same type of pension. If entitlement to pension is conditional on the attainment of a specified age, the pension shall be paid as from the time when the person concerned reaches the age entitling him to such pension under the law of the Contracting Party in whose territory he has settled.

3. 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 the pension shall be calculated on the basis of the

average monthly earnings of employed persons of similar occupation and qualifications, at the time the pension is awarded, in the country in which the entitled person 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 the pension shall be calculated in accordance with the law of the Party in whose territory the entitled person has settled.

Chapter 4

OTHER FORMS OF SOCIAL SECURITY

Article 10

1. 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 assistance and social security (placement in old-age homes and the like) to the same extent and under the same conditions as in the case of that Party's own citizens.

2. Neither Contracting Party shall demand reimbursement from the other for expenses incurred in accordance with paragraph 1 of this article.

III. MISCELLANEOUS PROVISIONS

Article 11

1. In the administration of social security, the competent authorities and agencies of one Contracting Party shall afford legal assistance to the authorities and agencies of the other Contracting Party to the same extent as in the administration of social security in their own State.

2. Applications and other documents may be filed with the competent authorities of either Contracting Party. Applications and documents which have been filed within the time-limit fixed by law with the competent authority of one Contracting Party shall be deemed to have been filed in good time with the competent authority of the other Contracting Party as well.

3. Where it is necessary to obtain information (documents relating to illness, certificates of birth or death and the like) in order to establish rights deriving from this Agreement, the competent authority of either Contracting Party shall, at the request of the competent authority of the other Contracting Party, take steps to obtain such information and communicate the results to the competent authority which made the request.

4. Neither Contracting Party shall demand reimbursement from the other for expenses incurred pursuant to the provisions of this article.

Article 12

Diplomatic and consular missions of one Contracting Party shall be entitled, without special authorization, to represent citizens of their own State and act on their behalf before the social security authorities and other agencies of the other Contracting Party in all matters regulated by this Agreement if the person concerned has not appointed another representative.

Article 13

Any disputes arising in connexion with the application of this Agreement shall be settled by the central authorities of the Contracting Parties (article 15). Questions not settled by the central authorities shall be settled through the diplomatic channel.

Article 14

Applications as well as official documents issued by the competent authorities of the Parties shall not require legalization by diplomatic or consular missions.

Article 15

After the entry into force of this Agreement, the Contracting Parties shall inform each other without delay of the names of the central authorities through which the social security authorities of the Parties are to communicate with each other in matters relating to the application of this Agreement. The Parties shall notify each other without delay of any subsequent changes in this connexion.

Article 16

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

IV. FINAL PROVISIONS

Article 17

1. The provisions of article 9 of this Agreement shall also apply to cases in which entitlement to pension was acquired before the entry into force of the Agreement. In such cases, the pension shall be awarded and paid, at their own

expense and in accordance with the law of their own State, by the social security authorities of the Contracting Party in whose territory the citizen is permanently resident.

2. In the application of this Agreement, employment periods (insurance periods) or periods of activity equivalent thereto completed before the entry into force of the Agreement shall be taken into account.

Article 18

1. Pensions which were awarded by the competent authorities of one Contracting Party before the entry into force of this Agreement and which were remitted to the territory of the other State shall continue and shall be paid, at their own expense, by the competent authorities of the Contracting Party in whose territory the pensioner is permanently resident.

2. Within a period of one month following the entry into force of the Agreement, each Contracting Party shall transmit to the other a list of the pensioners who, prior to the entry into force of the Agreement, 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 pay them a pension as from the fourth calendar month after the exchange of the lists of pensioners. The pension shall be awarded and paid in the amount provided for by the law of the Contracting Party in which the pensioner is permanently resident but may not be smaller than the pension which he previously received.

Article 19

1. The provisions of this Agreement shall not apply to personal pensions awarded by the Contracting Parties in accordance with their own law. Such pensions shall, as before, be paid by the Contracting Party which awarded them.

2. Notwithstanding the provisions of article 9, paragraph 2, of this Agreement, pensions awarded to war invalids, war widows and war orphans shall, in the event of their leaving the territory of one Contracting Party to settle in the territory of the other Contracting Party, be paid, at its own expense, by the competent authority of the Party in whose territory the persons concerned have settled and in the same amount as they received prior to their resettlement.

Article 20

1. This Agreement shall be subject to ratification. The exchange of the instruments of ratification shall take place in Moscow as soon as possible. The

Agreement shall enter into force on the first day of the month following the exchange of the instruments of ratification.

2. This Agreement is concluded for a term of five years and shall be extended for successive five-year terms unless one of the Contracting Parties denounces it at least one year before the expiry of its current term.

3. Rights acquired under the provisions of this Agreement shall not be extinguished if it is denounced.

Article 21

This Agreement has been drawn up at Budapest on 20 December 1962 in duplicate in the Russian and Hungarian languages. Both texts are equally authentic.

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

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

KISHÁZI Ödön

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

V. USTINOV

PROTOCOL

On signing this Agreement, the Contracting Parties have agreed on the following :

I

Ad article 4

The provisions of this Agreement shall apply to members of the armed forces (including those who became invalids while in military service).

II

The provisions of this Agreement shall not apply to the persons referred to in article 16 of the Agreement of 27 May 1957¹ between the Government of the Hungarian People's Republic and the Government of the Union of Soviet Socialist Republics concerning the legal status of Soviet forces temporarily stationed in the territory of the Hungarian People's Republic.

¹ United Nations, *Treaty Series*, Vol. 407, p. 155.

This Protocol is an integral part of the Agreement between the Hungarian People's Republic and the Union of Soviet Socialist Republics on co-operation in the field of social security.

DONE at Budapest on 20 December 1962, in duplicate in the Hungarian and Russian languages, both texts being equally authentic.

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

KISHÁZI Ödön

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

V. USTINOV