

No. 8567

**ROMANIA
and
ALBANIA**

**Convention concerning co-operation in the field of
social problems (with Protocol). Signed at
Bucharest, on 3 May 1961**

Official texts : Romanian and Albanian.

Registered by Romania on 10 March 1967.

**ROUMANIE
et
ALBANIE**

**Convention concernant la coopération en matière
sociale (avec Protocole). Signée à Bucarest, le
3 mai 1961**

Textes officiels roumain et albanais.

Enregistrée par la Roumanie le 10 mars 1967.

[TRANSLATION — TRADUCTION]

No. 8567. CONVENTION¹ BETWEEN THE GOVERNMENT OF THE ROMANIAN PEOPLE'S REPUBLIC AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF ALBANIA CONCERNING CO-OPERATION IN THE FIELD OF SOCIAL PROBLEMS. SIGNED AT BUCHAREST, ON 3 MAY 1961

The Government of the Romanian People's Republic and Government of the People's Republic of Albania, desiring to regulate relations between the two States in the field of social problems in a spirit of friendship and co-operation, have decided to conclude a Convention on that subject and have for that purpose appointed as their plenipotentiaries :

The Government of the Romanian People's Republic : Dr. Octavian Berlogea, Deputy Minister for Health and Social Welfare ;

The Government of the People's Republic of Albania : Rapi Gjermen, Ambassador Extraordinary and Plenipotentiary of the People's Republic of Albania to the Romanian People's Republic,

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

PART I

GENERAL PROVISIONS

Article 1

1. Citizens of one Contracting Party resident in the territory of the other Contracting Party shall be entitled to social insurance and social security in accordance with the provisions of this Convention.

2. This Convention shall apply to all types of social insurance and social security benefits, in cash or in kind, awarded to citizens under the law of the Contracting Parties.

¹ In accordance with article 18 (1), the Convention came into force on 3 January 1963 following the reciprocal communication of its approval by the two Governments.

Article 2

Citizens of one Contracting Party, and members of their families, resident in the territory of the other Contracting Party shall enjoy equality of treatment with citizens of the latter Contracting Party in all matters pertaining to social insurance, social security and labour relations.

PART II**ADMINISTRATION OF SOCIAL INSURANCE AND SOCIAL SECURITY***Article 3*

1. The administration of social insurance and social security shall be governed by the law of the Contracting Party in whose territory the citizen concerned resides.
2. Social insurance and social security benefits shall be awarded by the competent authorities of the Contracting Party in whose territory the citizen concerned resides.

Article 4

1. Pensions shall be awarded and paid by the social insurance and social security authorities of the Contracting Party in whose territory the insured person (or the member of his family, where the latter is the beneficiary) is resident under the conditions and in the amount provided by the law of that Party (hereinafter referred to as the « State of residence »).
2. In establishing pensions, social insurance and social security authorities shall take account of employment periods, the period of insurance and any activity equivalent to an employment period on the part of the beneficiary either in the State of residence or in the other State.

Article 5

1. If, after entry into force of this Convention, a pensioner moves to the territory of the other Contracting Party, the social insurance and social security authority which has been paying the pension shall cease payment at the end of the month in which the removal takes place. In such cases, the pension entitlement need not be reviewed if the same type of pension exists under the law of the State of residence. The pension shall be paid by the social insurance and social security authorities of the State of residence as from the first day of the month following that in which the removal takes place.

2. If the pensioner returns to the territory of the other Contracting Party, the social insurance and social security authorities of that Party shall resume payment of the pension as from the first day of the following month.

3. The provisions of paragraph 1 of this article shall similarly apply if the pensioner (or the member of his family, where the latter is the beneficiary) takes up residence in the territory of the other Contracting Party after entitlement has been acquired but before the pension has been awarded.

Article 6

1. The amount of the pension shall be determined in the manner prescribed by the law of the State of residence.

2. In the case of citizens who moved from the territory of one Contracting Party to the territory of the other Contracting Party and thereafter had gainful employment, pensions shall be calculated on the basis of the average wage earned in the territory of residence, whereas, in the case of citizens who were not employed after such removal, pensions shall be calculated on the basis of the average wage received by workers of similar qualifications and occupation, at the time the pension is awarded, in the State of residence.

Article 7

1. Pecuniary benefits in cases of temporary disability and other cash payments on a temporary basis shall be awarded by the social insurance and social security authorities of the State of residence in accordance with the law of that State. In making such payments, account shall be taken of employment periods, the period of insurance and any activity equivalent to an employment period on the part of the beneficiary in the territory of the two Contracting Parties.

2. If an insured person who is entitled to the benefits and cash payments referred to in paragraph 1 of this article takes up residence in the territory of the other Contracting Party, the benefits and payments shall cease as from the date of his departure. In such cases, the social insurance and social security authorities of the State of residence shall award benefits and cash payments in accordance with the law of that State as from the date on which payment was discontinued, taking account of employment periods, the period of insurance and any activity equivalent to an employment period in the territory of the two Contracting Parties.

3. Insurance benefits in kind shall be awarded to the insured person (or the member of his family, where the latter is the beneficiary) by the compe-

tent authorities of the State of residence under the same conditions as in the case of its own citizens.

Citizens of one Contracting Party who are temporarily present in the territory of the other Contracting Party shall be given medical assistance and care in the event of acute illness under the same conditions as the citizens of the latter Contracting Party.

4. Insurance benefits in kind shall be awarded in respect of persons receiving a pension under this Convention by the competent authorities of the Contracting Party paying the pension in accordance with the law of that Party.

Article 8

There shall be no accounting between the two Contracting Parties in respect of any cash payments or insurance benefits in kind provided by either Party under the provisions of this Convention.

Article 9

1. Citizens of one Contracting Party who are resident in the territory of the other Contracting Party and are not entitled to social insurance shall be granted such social security benefits and assistance as they may require by the State of residence to the same extent and under the same conditions as in the case of that State's own citizens. There shall be no accounting between the two Contracting Parties in respect of expenditure incurred as a result of assistance so provided.

2. The provisions of paragraph 1 of this article shall not preclude the possibility of claims for reimbursement by the persons to whom social security benefits or assistance were granted. Such reimbursement may also be claimed from the persons responsible for the maintenance of those specified in paragraph 1 of this article, provided that such persons are resident in the territory of the Contracting Party which granted the assistance.

3. Care and assistance shall be provided in case of need to citizen of the other Contracting Party even if they are receiving a pension.

Article 10

1. The provisions of this Convention shall not apply to :

(a) Persons belonging to diplomatic, consular and commercial missions who are resident in the territory of the other Contracting Party, if they are citizens of the sending Contracting Party.

This shall also apply to employees of the said persons if they are citizens of the sending Contracting Party.

(b) Employees of transport undertakings or other undertakings and agencies who are sent to work in the territory of the other Contracting Party, if they are citizens of the sending Contracting Party.

2. In the case of medical assistance and care, the persons referred to in paragraph 1 of this article shall be entitled to benefits on the basis of reciprocity.

Article 11

Applications and other documents forwarded or submitted to the social insurance and social security authorities, agencies or other authorities of one Contracting Party by citizens of the other Contracting Party in connexion with social insurance or social security matters may be written in the official language of the State of origin or in Russian.

Article 12

Applications and other documents which must be submitted to the social insurance and social security authorities, agencies or other authorities of one of the Contracting Parties within a specified time-limit shall be deemed to have been validly submitted if they are received within the prescribed time-limit by the social insurance and social security authorities, agencies or other authorities of the other Contracting Party.

In such cases, the documents shall be transmitted forthwith to the competent authorities.

PART III

CO-OPERATION BETWEEN SOCIAL INSURANCE AND SOCIAL SECURITY AUTHORITIES

Article 13

1. The social insurance and social security authorities of the Contracting Parties shall send one another texts of enactments dealing with social problems and also specialized periodicals and other publications on this subject. They shall also notify one another, in good time, of any changes in their social insurance and social security legislation.

2. The central social insurance and social security authorities of the Contracting Parties shall communicate with one another directly in matters relating to the application of this Convention.

3. Upon the entry into force of this Convention, the Contracting Parties shall specify to each other the central authorities competent to apply the Convention and shall notify each other of any subsequent changes.

Article 14

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

Article 15

Consuls or consular officials of the Contracting Parties shall be entitled to represent citizens of their State in social insurance and social security matters before the social insurance and social security authorities of the State of residence.

Article 16

Any differences of opinion regarding the interpretation and application of this Convention shall be settled by the competent central authorities of the two Contracting Parties.

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

PART IV

FINAL PROVISIONS

Article 17

1. In the granting of entitlement under this Convention, account shall also be taken of employment periods completed by the beneficiary before the entry into force of the Convention, both in the State of residence and in the other State.

2. The provisions of this Convention shall also apply to cases in which entitlement to a pension was acquired before the Convention entered into force. In such cases, the benefits shall be paid in accordance with the law of the State of residence, but not for the period preceding the entry into force of the Convention.

Article 18

1. This Convention shall be subject to approval by the Governments of the two Contracting Parties and shall enter into force after reciprocal notification, through the diplomatic channel, of such approval.

2. This Convention shall be valid for a term of five years from the date of its entry into force.

The validity of the Convention shall be extended for successive five-year terms unless one of the Contracting Parties denounces it at least six months before the expiry of its current term.

3. Rights acquired on the basis of the Convention shall be retained after denunciation and shall be subject to regulation in accordance with the law of each of the Contracting Parties.

This Convention has been drawn up at Bucharest on 3 May 1961, in duplicate in the Romanian and Albanian languages, both texts being equally authentic.

For the Government
of the Romanian People's Republic : For the Government
of the People's Republic of Albania:

BERLOGEA

GJERMENI

PROTOCOL TO THE CONVENTION BETWEEN THE GOVERNMENT
OF THE ROMANIAN PEOPLE'S REPUBLIC AND THE GOVERN-
MENT OF THE PEOPLE'S REPUBLIC OF ALBANIA CONCERN-
ING CO-OPERATION IN THE FIELD OF SOCIAL PROBLEMS

Ad *article 1, paragraph 2*

Personal pensions awarded for distinguished service shall be paid by the Contracting Party awarding them.

Ad *articles 4, 5 and 6*

The provisions of articles 4, 5 and 6 shall also apply to social assistance.

Ad *articles 5, 6 and 7*

References to the taking up of residence in the territory of one of the Contracting Parties shall apply to cases in which this is done with the consent of both Contracting Parties.

The foregoing provision shall similarly apply to cases in which residence has been taken up before the entry into force of this Convention.

Ad *article 7, paragraphs 3 and 4*

"Insurance benefits in kind" shall also mean medical assistance and care.

Ad *article 13*

(a) The central authorities of the two Contracting Parties shall co-operate in all matters relating to the establishment of proof of employment periods completed by citizens of one Contracting Party and in matters relating to the verification of particulars contained in documents attesting to employment periods or in declarations by the persons concerned.

(b) The documents required for the granting of pensions and assistance shall be transmitted at the request of the competent insurance authorities of the other Contracting Party.

This Protocol constitutes an integral part of the Convention between the Government of the Romanian People's Republic and the Government of the People's Republic of Albania concerning co-operation in the field of social problems.

DONE at Bucharest on 3 May 1961, in duplicate in the Romanian and Albanian languages, both texts being equally authentic.

For the Government of the Romanian People's Republic : For the Government of the People's Republic of Albania :

BERLOGEA

GJERMENI