

No. 9871

**BULGARIA
and
GERMAN DEMOCRATIC REPUBLIC**

**Agreement on co-operation in the field of social policy (with
Final Protocol). Signed at Berlin on 20 February 1958**

Authentic texts: Bulgarian and German.

Registered by Bulgaria on 5 September 1969.

**BULGARIE
et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Accord de coopération dans le domaine de la politique sociale
(avec Protocole final). Signé à Berlin le 20 février 1958**

Textes authentiques: bulgare et allemand.

Enregistré par la Bulgarie le 5 septembre 1969.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE
PEOPLE'S REPUBLIC OF BULGARIA AND THE GOVERN-
MENT OF THE GERMAN DEMOCRATIC REPUBLIC ON
CO-OPERATION IN THE FIELD OF SOCIAL POLICY

The Government of the People's Republic of Bulgaria and the Government of the German Democratic Republic, desiring to regulate in a spirit of friendship and co-operation mutual relations in matters of social policy between the People's Republic of Bulgaria and the German Democratic Republic, have decided to conclude an Agreement on co-operation in the field of social policy.

They have for that purpose appointed as their plenipotentiaries :

The Government of the People's Republic of Bulgaria :

Dr. Lyuben Stoyanov, First Deputy Minister of Public Health and Social Welfare;

The Government of the German Democratic Republic :

Friedrich Macher, Minister of Labour and Vocational Training,
who, having exchanged their full powers, found in good and due form, have agreed as follows :

I. BASIC PROVISIONS

Article 1

SCOPE OF THE AGREEMENT

(1) The Contracting Parties shall co-operate in all matters and in all fields of social policy. The purpose of such co-operation shall be to promote social progress both in the two States and internationally.

(2) To this end, the Contracting Parties shall encourage the exchange of experience in matters of social policy and shall foster co-operation between the competent agencies and trade-union and other organizations.

(3) The Contracting Parties shall encourage—if necessary, by the provision of material facilities—exchanges of visits organized in connexion with matters of social policy by such agencies and trade-union and other organizations.

¹ Came into force on 11 July 1958, the date of receipt of the two notes confirming its approval, in accordance with article 18 (1).

(4) The Contracting Parties shall reciprocally encourage children's and workers' vacation programmes organized by the State and by trade-union and other organizations. The detailed rules shall be laid down in an agreement between the competent central authorities of the two States.

(5) This Agreement shall also regulate relations between the Contracting Parties in the matter of workers' social insurance.

Article 2

PRINCIPLE OF EQUAL TREATMENT

(1) Save as otherwise provided in this Agreement, nationals of one State employed in the territory of the other State and the members of their families shall, in matters relating to labour law and workers' social insurance, and particularly in so far as relates to the granting of benefits, be treated in the same manner as nationals of the latter State. Nationals of the former State shall have the same rights and obligations as nationals of the latter State.

(2) The same shall apply, as appropriate, to nationals of one State who are temporarily present in the territory of the other State or who reside in the said territory and require assistance.

II. SOCIAL INSURANCE FOR WORKERS

Article 3

ADMINISTRATION OF INSURANCE

(1) Save as otherwise provided in this Agreement, the obligation to provide coverage and to pay contributions in respect of workers' social insurance (hereinafter referred to as "social insurance") shall be governed by the legislative provisions of the State in whose territory the insurable activity is carried on (hereinafter referred to as the "State of the place of work").

(2) Such insurance shall be administered by the competent authorities of the State of the place of work.

Article 4

GRANTING OF PENSIONS

(1) Pensions shall be granted by the insurer of the State in whose territory the insured person or entitled dependant is resident on the date on which he acquires entitlement, in accordance with the legislative provisions of that State.

In so doing, the insurer shall take into account insurance periods (employment periods) completed in both States.

(2) Where a pensioner resident in one State transfers his residence to the other State, payment of the pension shall be discontinued on the expiry of the month during which he transferred his residence.

(3) The insurer of the State to which the pensioner transfers his residence shall thereafter provide him with a pension in accordance with the legislative provisions of that State, due regard being had to the provisions of the second sentence of paragraph 1. Entitlement to pension shall not be reviewed in cases where the legislation of the State to which the pensioner transfers his residence provides for the same type of pension. Payment of the pension shall begin upon attainment by the pensioner of the age required under the legislative provisions of the said State.

(4) Where the insured person or entitled dependant transfers his residence to the other State after entitlement is acquired but before a pension is granted, the pension shall be granted by the insurer of the State in which the new residence is established if entitlement to pension exists under the legislative provisions of that State.

Article 5

GRANTING OF SHORT-TERM BENEFITS IN CASH AND IN KIND AND OF FAMILY ALLOWANCES

(1) Short-term social insurance benefits in cash and family allowances shall be granted by the insurer of the State in which the entitled person is resident, in accordance with the legislative provisions of that State. In so doing, the insurer shall also take into account insurance periods (employment periods) completed in the other State.

(2) Where an entitled person transfers his residence to the other State while he is receiving short-term social insurance benefits in cash or family allowances, payment of the benefits or allowances shall be discontinued as from the date of transfer. In such cases, the insurer of the State to which the entitled person transfers his residence shall grant the benefits or allowances in accordance with the legislative provisions of that State, taking into account any insurance periods (employment periods) completed in the first State.

(3) Social insurance benefits in kind shall be granted by the insurer of the State in whose territory the insured person or entitled dependant is resident. The detailed rules, governing in particular the extent to which benefits are to be

provided, shall be laid down in an agreement between the competent central authorities of the two States.

(4) Social insurance benefits in cash and in kind to persons receiving a pension under this Agreement shall be granted by the insurer of the State in which the pension is paid, in accordance with the legislative provisions of that State. Where pensioners or their dependants are resident in the other State, the provisions of paragraph 3 shall apply as appropriate.

Article 6

SPECIAL PROVISIONS FOR CERTAIN CATEGORIES OF EMPLOYEES

(1) The provisions of this Agreement shall not apply to :

(a) Members of diplomatic and consular missions and other administrative agencies and authorities of one State established in the other State, if they are nationals of the sending State. The same shall apply to persons working for members of such missions, agencies and authorities, if they are nationals of the sending State;

(b) Persons employed by transport and other enterprises of one State, if they work in the other State and are nationals of the first State.

(2) The persons referred to in paragraph 1 and their entitled dependants shall receive social insurance benefits in kind from the insurer of the State in which they are resident.

Article 7

NON-REIMBURSABILITY OF BENEFITS

Benefits provided by an insurer under this Agreement shall not be reimbursable by the insurer of the other State.

III. SOCIAL ASSISTANCE

Article 8

SOCIAL ASSISTANCE FOR UNINSURED PERSONS

(1) Nationals of one State who are resident in the territory of the other State and possess no entitlement under their own insurance or as dependants

of an insured person shall be given such assistance as they may require by the State of residence, to the same extent and under the same conditions as nationals of that State.

(2) In such cases, there shall be no reciprocal reimbursement of costs.

(3) Notwithstanding paragraph 2, reimbursement may be claimed from the person who was granted assistance or from members of his family liable for his maintenance, if they are resident in the State in which the benefits were granted.

(4) Where the need arises, assistance shall also be granted to nationals of the other State who are receiving a pension.

IV. COMMON PROVISIONS

Article 9

RECIPROCAL LEGAL ASSISTANCE

(1) Insurers, agencies and other authorities participating in the implementation of social policy in the two States shall render one another legal assistance to the same extent as in the implementation of social policy in their own State. The insurer of one State shall be required to provide the insurer of the other State with any necessary information concerning facts having a decisive bearing on the granting of benefits. It shall be required to take the necessary measures to establish such facts.

(2) Insurers, agencies and other authorities of the two States shall communicate with one another direct in connexion with the implementation of this Agreement.

(3) Documents and other evidence transmitted by the competent authorities of one State to the competent authorities of the other State pursuant to this Agreement shall not require certification for purposes of recognition in the other State.

Article 10

USE OF THE OFFICIAL LANGUAGE OF THE OTHER STATE

Applications and other documents lodged and appeals filed by nationals of one State with insurers, agencies or other authorities of the other State in matters relating to social insurance and social assistance shall not be disallowed because they are written in the official language of the former State.

Article 11

OBSERVANCE OF TIME-LIMITS

Applications and other documents and appeals required to be lodged or filed within a specified time-limit with insurers, agencies or other authorities of one State shall be deemed to have been lodged or filed within such time-limit if they are received within the prescribed time-limit by insurers, agencies or other authorities of the other State. In such cases, the documents in question shall be forwarded immediately to the competent authority.

Article 12

REPRESENTATION OF NATIONALS OF THE OTHER STATE

Consuls of the Contracting Parties shall be entitled to act on behalf of nationals of their State, personally or through duly authorized representatives, in all matters arising from this Agreement and to represent such nationals before insurers, agencies and other authorities of the other State.

Article 13

CENTRAL AUTHORITIES IMPLEMENTING THIS AGREEMENT

(1) This Agreement shall be implemented in the two States by the competent central authorities in accordance with their legislative provisions. The said central authorities shall maintain constant direct communication with each other. When necessary, representatives of the said authorities shall meet for the purpose of discussing matters relating to the implementation of the Agreement and exchanging experience in matters of social policy.

(2) Immediately upon the entry into force of this Agreement, the Contracting Parties shall inform each other which central authorities are competent with respect to its implementation.

Article 14

REGULATIONS FOR IMPLEMENTATION

(1) Each State may make regulations for the implementation of this Agreement. All such regulations shall be communicated to the competent central authorities of the other State.

(2) The competent central authorities of the two States shall inform each other immediately of any changes made in their legislation with respect to social insurance and social assistance.

Article 15

CO-OPERATION WITH TRADE-UNION ORGANIZATIONS

The Contracting Parties shall implement the Agreement in close co-operation with their respective trade-union organizations.

Article 16

ADDITIONAL AGREEMENTS

If, owing to unforeseen circumstances or changes in legislative provisions, uncertainties arise in the implementation of this Agreement, or if there are differences of opinion with respect to its interpretation, the competent central authorities of the Contracting Parties shall reach agreement on the manner in which the provisions of the Agreement are to be applied.

V. TRANSITIONAL AND FINAL PROVISIONS

Article 17

RETROACTIVITY

(1) In the granting of social insurance benefits under this Agreement, insurers shall take into account insurance periods (employment periods) completed in both States before the entry into force of the Agreement.

(2) The provisions of this Agreement shall also apply in cases where entitlement to pension was acquired before the entry into force of the Agreement.

Article 18

FINAL PROVISIONS

(1) This Agreement shall be approved in accordance with the domestic legislative provisions of the Contracting Parties and shall enter into force upon the exchange of notes concerning such approval.

(2) This Agreement is concluded for a term of five years. It shall be extended for successive five-year terms unless it is denounced by one of the Contracting Parties at least six months before the expiry of the current term.

(3) Rights acquired prior to the date of the expiry of this Agreement shall remain valid in the event of its denunciation.

This Agreement was concluded at Berlin on 20 February 1958, in duplicate in the Bulgarian and German languages, both texts being equally authentic.

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

For the Government
of the People's Republic
of Bulgaria :
L. STOYANOV

For the Government
of the German Democratic
Republic :
Fr. MACHER

FINAL PROTOCOL TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BULGARIA AND THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC ON CO-OPERATION IN THE FIELD OF SOCIAL POLICY

I

Ad article 1, paragraphs 2 and 3:

The exchange of experience in matters of social policy shall be effected in particular :

(a) By arranging for the exchange of specialized literature, periodicals and other publications between the competent agencies and trade-union and other organizations of the two States;

(b) Through the exchange of legislative provisions and statistical and other material;

(c) By means of appropriate publications concerning the progress made and the results obtained by the social policy of the other Contracting Party as well as the regular publication in the specialized and daily press of important legislative and administrative measures;

(d) Through the exchange of visits by experts in the field of social policy (social insurance, holiday and nursing homes, rehabilitation of the disabled, etc.).

*Ad article 1, paragraph 4:*¹

The Contracting Parties shall organize exchange vacation programmes for the purpose of constantly bringing their peoples closer together and strengthening friendly relations between them.

¹ The authentic Bulgarian text reads : " article 2, paragraph 1 ".

II

Ad article 2, paragraph 1:

The term "labour law" means, *inter alia*, provisions concerning labour contracts, hours of work, leave and vacations, wages and salaries, labour protection, protection of youthful workers, protection of mother and child, rights of women, and protection of the disabled.

III

Ad articles 4 and 5:

An entitled person shall be deemed to have transferred his residence to the other State if he does so with the consent of both Contracting Parties. This shall also apply to transfers which occurred before the entry into force of the Agreement; in such cases it shall be assumed, in the absence of evidence to the contrary, that consent was granted.

IV

Ad article 9, paragraph 1:

Documents and records required for the granting of pensions under this Agreement shall be made available on request to the competent insurers of the other State.

Ad article 9, paragraph 2:

Direct communication shall take place through the central authorities and, where necessary, through the competent district authorities.

V

Ad article 17, paragraph 2:

Pensions shall be granted on application. Where application was made before the entry into force of the Agreement, the date on which payment begins shall be determined in accordance with domestic legislative provisions. Where a pension was fixed and paid by an insurer competent under this Agreement before the entry into force of the Agreement, it shall be maintained. The provisions of article 7 of this Agreement barring reciprocal reimbursement of benefits shall also apply in such cases.

VI

The provisions of this Agreement shall not apply to honorary pensions or to pensions for war-disabled persons or their survivors, nor shall they apply to remuneration received in kind, e.g. in the form of a coal allowance.

This Final Protocol shall constitute an integral part of the Agreement between the Government of the People's Republic of Bulgaria and the Government of the German Democratic Republic on Co-operation in the Field of Social Policy.

DONE at Berlin on 20 February 1958, in duplicate in the Bulgarian and German languages, both texts being equally authentic.

For the Government
of the People's Republic
of Bulgaria :
L. STOYANOV

For the Government
of the German Democratic
Republic :
Fr. MACHER