

No. 16864

**POLAND
and
LIBYAN ARAB JAMAHIRIYA**

**Agreement on social insurance of employees sent temporarily
to the territory of either State. Signed at Warsaw on
7 November 1975**

*Authentic texts: Polish, Arabic and English.
Registered by Poland on 13 July 1978.*

**POLOGNE
et
JAMAHIRIYA ARABE LIBYENNE**

**Accord relatif au régime d'assurance sociale des employés
détachés à titre temporaire sur le territoire de l'autre
État. Signé à Varsovie le 7 novembre 1975**

*Textes authentiques : polonais, arabe et anglais.
Enregistré par la Pologne le 13 juillet 1978.*

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC AND THE GOVERNMENT OF THE LIBYAN ARAB REPUBLIC ON SOCIAL INSURANCE OF EMPLOYEES SENT TEMPORARILY TO THE TERRITORY OF EITHER STATE

The Government of the Polish People's Republic and the Government of the Libyan Arab Republic, guided by the wish of developing the mutual co-operation and solving the problems arising in the field of social insurance, have agreed as follows:

Article (1). For the purpose of the application of the present Agreement the following terms mean:

1. "Social Insurance Legislation":
 - For the Polish People's Republic, legislations on:
 - a) Benefits in cases of sickness, maternity, care for sick member of the family, and occupational rehabilitation;
 - b) Old-age pension, invalidity pension, and family pension together with a separate system of invalidity pension and family pension in case of employment injury and occupational diseases;
 - c) Family allowances granted to employees and pensioners;
 - d) Medical care;
 - For the Libyan Arab Republic:
 - Social Insurance Law No. 53 for the year 1957 as still applied according to provisions of Social Security Law No. 72 for the year 1973.
2. "Competent Authority", for the Polish Peoples' Republic, the Minister of Labour, Wages and Social Affairs as responsible for the Social Insurance Institution; for the Libyan Arab Republic, the Public Social Security Institution.
3. "Permanent Employee": a national of either Contracting Party sent by his employer to carry out a project on the territory of the other Contracting Party, and remunerated by this employer.
4. "Home Country", the country on territory of which the employer of the permanent employee has his seat.
5. "Labour Country", the country on territory of which the work is carried out.

Article (2). Permanent employees shall be excluded from Social Insurance Legislation of labour country with regard to all types of pensions and other benefits resulting from old-age, employment injuries and occupational diseases since they are insured under the legislation of their home country.

The appropriate portion of the total amount of contributions paid towards all kinds of pensions shall be refunded at the end of every calendar year to the employer.

¹ Came into force on 27 May 1976 by the exchange of the instruments of ratification, which took place at Tripoli, in accordance with article 11.

Article (3). Cash benefits due to permanent employees who spend their sick leave in their home country shall be transferred to the account determined by the competent authority in home country.

Article (4). Pensions or cash benefits of any kind granted to insured permanent employees or their survivors under labour country legislation before coming of this Agreement into force shall be transferred to the account determined by the competent authority in home country.

The two Parties may agree upon special terms to substitute the monthly transferred pension by a total lump sum representing the capital of the pension.

Article (5). The present Agreement shall not apply to the staff of the diplomatic and consular missions.

Article (6). The employers of the permanent employees shall be obliged to cooperate in the field of occupational safety and prevention of employment injuries with institutions and organizations of the labour country competent in these matters.

Article (7). For the application of the present Agreement the competent authorities or social insurance institutions authorised by them shall:

- 1) Agree on the procedures necessary for application;
- 2) Communicate directly;
- 3) Render mutual administrative assistance free of charge;
- 4) Exchange social insurance legislations and subsequent amendments.

Article (8). Contributions paid under the Libyan Social Insurance Legislation to the account of insured permanent employees until the contribution week on which the present Agreement comes into force shall stay in the Libyan Institution. Benefits according to those contributions can be claimed by insured persons or their survivors in due time as provided by law and its regulations.

Any cash benefit or pension granted at any time as above shall be transferred to the account determined by the competent authority in the home country.

Article (9). All disputes concerning application or interpretation of the present Agreement shall be settled through a committee of four members, two of them nominated by each competent authority.

Article (10). The present Agreement is concluded for a period of tacitly renewable five years. It can be denounced by either of the Contracting Parties not later than six months before the end of a calendar year; in this case it shall cease to be in force by the end of the said year.

Article (11). 1) The present Agreement is subject to ratification. The instruments of ratification of both Parties shall be exchanged in Tripoli.

2) The present Agreement shall come into force on the day the instruments of ratification are exchanged.

The present Agreement was done in Warsaw on 4 Zulquida 1395, corresponding to the 7th November 1975, in two copies each two in Polish, Arabic, and English Languages, and all the texts shall be equally authentic; in case of disaccord as regards their interpretation the English text shall be considered decisive.

[Signed]

J. OBODOWSKI
For the Government
of the Polish People's Republic

[Signed]

F. HASAN
For the Government
of the Libyan Arab Republic
