

No. 21866

**UNION OF SOVIET SOCIALIST REPUBLICS
and
MONGOLIA**

**Agreement on co-operation in the field of social security
(with protocol). Signed at Ulan Bator on 6 April 1981**

Authentic texts: Russian and Mongolian.

Registered by the Union of Soviet Socialist Republics on 18 April 1983.

**UNION DES RÉPUBLIQUES SOCIALISTES
SOVIÉTIQUES
et
MONGOLIE**

**Accord de coopération en matière de sécurité sociale (avec
protocole). Signé à Oulan-Bator le 6 avril 1981**

Textes authentiques : russe et mongol.

Enregistré par l'Union des Républiques socialistes soviétiques le 18 avril 1983.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE MONGOLIAN PEOPLE'S REPUBLIC ON CO-OPERATION IN THE FIELD OF SOCIAL SECURITY

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics and the Presidium of the Great People's Khural of the Mongolian People's Republic,

Desiring to develop and extend co-operation between their two States in the field of social security in the spirit of the Treaty of Friendship, Co-operation and Mutual Assistance of 15 January 1966,²

Firmly resolved to promote the further expansion and extension of all-round Soviet-Mongolian co-operation and to bring the Soviet and Mongolian peoples closer together,

Have decided to conclude this Agreement and for this purpose have appointed as their plenipotentiaries:

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics:
A. I. Smirnov, Ambassador Extraordinary and Plenipotentiary of the Union of Soviet Socialist Republics to the Mongolian People's Republic;

The Presidium of the Great People's Khural of the Mongolian People's Republic:
M. Lhamsuren, Chairman of the State Committee on Labour and Wages of the Council of Ministers of the Mongolian People's Republic,

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

PART I. GENERAL PROVISIONS

Article 1

1. This Agreement shall cover all forms of social security which have been or may hereafter be established by the legislation of the Contracting Parties for their nationals.

2. "Social security" under this Agreement shall be understood to mean all types of benefits awarded by State authorities, co-operatives and other social organizations of the Union of Soviet Socialist Republics and the Mongolian People's Republic to citizens in respect of sickness, pregnancy and childbirth, old age and invalidity, as well as in connection with the death of a breadwinner or in other contingencies covered by the law of the Contracting Parties.

Article 2

Save as otherwise provided in this Agreement, nationals of one Contracting Party permanently resident in the territory of the other Contracting Party shall in all re-

¹ Came into force on 28 January 1982, i.e., 30 days after the exchange of the instruments of ratification, which took place at Moscow on 29 December 1981, in accordance with article 19.

² United Nations, *Treaty Series*, vol. 562, p. 43.

spects enjoy equality of treatment with nationals of the latter Contracting Party in all matters relating to social security and labour relations.

PART II. ADMINISTRATION OF SOCIAL SECURITY

Article 3

1. Save as otherwise provided in this Agreement, the administration of social security shall be governed by the legislation of the Contracting Party in whose territory the person concerned resides.

2. Save as otherwise provided in this Treaty, social security shall be administered by the competent authorities of the Contracting Party in whose territory the citizen applying for social security resides.

Article 4. CALCULATION OF EMPLOYMENT PERIODS FOR THE PURPOSE OF THE AWARD OF PENSIONS AND BENEFITS

1. In the award of pensions and benefits, full credit shall be given for periods of employment, including any periods entitling a person to the award of a pension on preferential terms and in preferential amounts, completed in the territory of either Contracting Party and certified by the competent authorities of the Contracting Party in whose territory the periods were completed.

2. The period of employment completed in each Contracting Party shall be calculated in accordance with the legislation of the Contracting Party in whose territory the work or equivalent activity was performed.

Article 5. CALCULATION OF EARNINGS FOR THE PURPOSE OF AWARDED PENSIONS

1. 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 their pension shall be calculated on the basis of their earnings from such employment.

2. 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 their pension in accordance with the established procedure shall be calculated on the basis of the average monthly earnings of an employed person of similar qualifications and occupation, at the time the pension or benefits are awarded, in the country in which the entitled person has settled.

Article 6. AWARD AND PAYMENT OF PENSIONS

1. Pensions shall be awarded and paid by the competent authorities of the Contracting Party in whose territory the citizens entitled to pension are permanently resident at the time they apply for pension, and in accordance with the law of that Contracting Party.

2. If a pensioner leaves the territory of one Contracting Party to settle in the territory of the other Contracting Party, payment of his pension shall be discontinued as from the end of the month of his resettlement.

3. The competent authorities of the Contracting Party in whose territory the pensioner has settled shall thereafter provide him with a pension in accordance with the law of that Contracting Party. In such a case, entitlement to pension shall not be reviewed if the law of that Contracting Party provides for the same type of pension.

The award of an old-age pension shall be subject to attainment of the age required for such pension under the law of the Contracting Party in whose territory the pensioner has settled.

Article 7. TEMPORARY DISABILITY BENEFITS AND OTHER BENEFITS

1. Cash social security benefits, including temporary disability benefits, benefits for the maintenance and education of children, including benefits for mothers with many children, maternity benefits and special supplementary allowances payable on the birth of a child, shall be awarded and paid by the competent authorities of the Contracting Party in whose territory the citizen concerned is permanently resident, in accordance with the law of that Contracting Party. Benefits for the support and education of children, however, shall be awarded and paid by the competent authorities of the Contracting Party in whose territory the children are 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 on the day of his departure. In such case, the competent authorities of the Contracting Party in whose territory he settles shall award the benefit, in accordance with the legislation of that State.

Article 8. MEDICAL ASSISTANCE

1. Nationals of one Contracting Party who are in the territory of the other Contracting Party shall be given medical assistance on the same conditions as the latter's own nationals.

2. The conditions in which nationals of one Contracting Party may be sent to the medical institutions of the other Contracting Party for treatment shall be regulated by special agreements.

Article 9. SOCIAL SECURITY COVERING CERTAIN CATEGORIES OF WORKERS

1. Employees, including technical and service personnel of diplomatic, consular and commercial missions and other agencies of one State established in the territory of the other State, and members of their families, shall be covered by the legislation of the sending State if they are citizens thereof.

2. Employees of land, air, or river transport, and of joint stock and other enterprises of one State, and members of their families, who are sent to work temporarily or permanently in the territory of the other State shall be covered by the social security legislation of the sending State.

3. In the cases referred to in paragraphs 1 and 2 of this article, social security benefits shall be provided by the competent authorities of the sending State.

4. Medical assistance to the persons referred to in paragraphs 1 and 2 of this article shall be governed by the provisions of article 8 above.

Article 10. OTHER FORMS OF SOCIAL SECURITY

Nationals of one Contracting Party who are permanently resident in the territory of the other Contracting Party shall be afforded such assistance and relief as they may require by the competent authorities of that Contracting Party on the same conditions as its own nationals. This also applies to the placement in special homes of the aged and disabled.

Article 11. EXPENDITURE CONNECTED WITH THE PROVISION OF SOCIAL SECURITY

All expenditure connected with the provision of social security under this Agreement shall be borne by the Contracting Party granting the benefits, with no accounting between the Contracting Parties in respect thereof.

Article 12. OBSERVANCE OF TIME-LIMITS

Applications and other documents submitted to competent authorities or institutions of one of the Contracting Parties within the legal time-limit shall be deemed to have been submitted in good time to the competent authorities or institutions of the other Contracting Party.

In such cases the documents shall be transmitted without delay to the competent authority of the other Contracting Party in accordance with the procedure prescribed in article 16 below.

PART III. CO-OPERATION BETWEEN SOCIAL SECURITY AUTHORITIES

Article 13

1. The Contracting Parties shall co-operate in all matters pertaining to the administration of social security.

2. For this purpose the central agencies and social security authorities of the Contracting Parties shall exchange experience and keep each other informed of existing social security legislation and subsequent changes therein.

Article 14

1. The competent authorities and agencies of one Contracting Party which are concerned with the administration of the social security of citizens shall afford legal assistance to the authorities and agencies of the other Contracting Party free of charge to the same extent as in the administration of social security in their own State. These authorities shall provide each other with any necessary information concerning facts of material importance for the award of a pension or benefit and shall take the requisite measures to establish those facts.

2. Documents which have been issued in due form or authenticated by the competent State authorities in the territory of one Contracting Party shall be accepted without legalization in the territory of the other Contracting Party.

Article 15. REPRESENTATION OF THE INTERESTS OF NATIONALS

Diplomatic and consular officers of the Contracting Parties shall be entitled, without special authorization and either personally or through the intermediary of other persons empowered for the purpose, to act on behalf of the citizens of their State in all matters arising from this Agreement, and to represent them before the agencies and authorities of the other State, unless the person concerned has entrusted the matter to an attorney.

Article 16. PROCEDURE GOVERNING RELATIONS BETWEEN
SOCIAL SECURITY AUTHORITIES

1. For the purpose of the application of this Agreement, the social security authorities of the Contracting Parties shall communicate with each other through

their central authorities, the names of which shall be reported by the Contracting Parties on the entry into force of this Agreement.

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

Article 17. CO-OPERATION WITH TRADE UNION ORGANIZATIONS

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

PART IV. FINAL PROVISIONS

Article 18

1. In awarding pensions and benefits under this Agreement, the competent authorities shall take into account periods of employment completed before the entry into force of this Agreement.

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

3. 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 Contracting Party continue and shall be paid by the social security authorities of the Contracting Party in whose territory the pensioner resides.

Article 19

1. This Agreement shall be subject to ratification and shall enter into force 30 days after the exchange of the instruments of ratification, which shall take place at Moscow.

2. This Agreement has been concluded for a period of five years and shall be automatically renewed for successive periods of five years unless it is denounced by either Contracting Party not later than six months before the expiry of the relevant period.

3. If this Agreement is denounced, pensions awarded and paid on the basis of this Agreement shall be treated as pensions awarded under the law of the Contracting Party in whose territory the pensioner resides.

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

DONE at Ulan Bator on 6 April 1981 in two copies, each in the Russian and Mongolian languages, both texts being equally authentic.

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

[A. SMIRNOV]

For the Presidium
of the Great People's Khural
of the Mongolian People's Republic:

[M. LHAMSUREN]

PROTOCOL TO THE AGREEMENT BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE MONGOLIAN PEOPLE'S REPUBLIC ON CO-OPERATION IN THE FIELD OF SOCIAL SECURITY, SIGNED AT ULAN BATOR ON 6 APRIL 1981

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

I

Ad article 1

The provisions of the Agreement shall also apply to all forms of social security afforded under the law of the Contracting Parties to persons who have served in the armed forces or military institutions of the Union of Soviet Socialist Republics or the Mongolian People's Republic.

II

Ad article 2

For the purpose of this Agreement, the term "permanently resident" means persons having authorization for permanent residence confirmed by documents obtained from the competent authorities of the relevant Contracting Party.

The term "labour relations" means, in particular, legal provisions governing 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 rights of invalids.

III

Ad articles 5 and 6

A person leaves the territory of one Contracting Party to settle in the territory of the other Contracting Party within the meaning of articles 5 and 6 when he settles in the territory of the other Contracting Party with the consent of the competent authorities of the two Contracting Parties. This shall also apply to resettlement 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 7

The Contracting Parties shall award and pay only such benefits as are stipulated in the laws of each Contracting Party.

V

Ad article 13

The exchange of experience in the field of social security shall be effected through the established direct links between the relevant authorities of the Contracting Parties and in particular by:

- (a) The exchange of specialized literature, periodicals and other publications between the competent agencies and organizations of the two Contracting Parties;

- (b) Appropriate publications concerning the progress made and the results obtained by the social security system of the other Contracting Party;
- (c) Reciprocal visits by social security experts;
- (d) The exchange of information on the results of scientific research.

VI

Ad article 14

Documents and records required for the award of pensions under this Agreement shall be made available to the competent social security authorities of the other Contracting Party on request.

VII

Ad article 18, paragraph 3

1. Within a period of one month following the entry into force of the Agreement, each Contracting Party shall communicate 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, as from the fourth calendar month after the exchange of the lists of pensioners, pay them a pension equal to that which they previously received, if such pension is greater than the pension which would be awarded under article 5 of the Agreement. However, the amount of the pension may not be greater than the maximum or smaller than the minimum amount provided for the same type of pension by the law of the country in which the pensioner resides.

2. The provisions of article 11 of the Agreement, whereby there is no accounting between the Parties in respect of expenditure connected with social security, shall also apply in the cases specified in paragraph 1 above.

VIII

The provisions of this Agreement shall not apply to the personal pensions (pensions for special services) stipulated in the laws of the Contracting Parties.

This Protocol is an integral part of the Agreement between the Union of Soviet Socialist Republics and the Mongolian People's Republic on co-operation in the field of social security, signed at Ulan Bator on 6 April 1981.

DONE at Ulan Bator on 6 April 1981 in two copies, each in the Russian and Mongolian languages, both texts being equally authentic.

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

[A. SMIRNOV]

For the Presidium
of the Great People's Khural
of the Mongolian People's Republic:

[M. LHAMSUREN]