

No. 6215

**POLAND
and
HUNGARY**

**Agreement on co-operation in matters of social policy.
Signed at Warsaw, on 14 February 1959**

Official texts: Polish and Hungarian.

Registered by Poland on 10 July 1962.

**POLOGNE
et
HONGRIE**

**Accord de coopération en matière de politique sociale.
Signé à Varsovie, le 14 février 1959**

Textes officiels polonais et hongrois.

Enregistré par la Pologne le 10 juillet 1962.

[TRANSLATION — TRADUCTION]

No. 6215. AGREEMENT¹ BETWEEN THE POLISH PEOPLE'S REPUBLIC AND THE HUNGARIAN PEOPLE'S REPUBLIC ON CO-OPERATION IN MATTERS OF SOCIAL POLICY. SIGNED AT WARSAW, ON 14 FEBRUARY 1959

The Council of State of the Polish People's Republic and the Presidential Council of the Hungarian People's Republic,

Desiring to develop and regulate their relations in matters of social policy, including social insurance, in a spirit of friendship and co-operation,

Being convinced that this will serve to strengthen further the fraternal relations between the two States,

Have decided to conclude an Agreement on co-operation in matters of social policy and have for this purpose appointed as their plenipotentiaries :

The Council of State of the Polish People's Republic :

Stanisław Zawadzki, Minister for Labour and Social Welfare;

The Presidential Council of the Hungarian People's Republic :

Odön Kishazi, Minister for Labour,

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

I. PRINCIPLES OF CO-OPERATION

Article 1

(1) The Contracting Parties shall co-operate on all questions and in all sectors of social policy. The purpose of such co-operation shall be to promote social progress in the two States and at the international level.

(2) In order to achieve the purpose defined in paragraph (1), the Contracting Parties shall promote and facilitate the exchange of experience and co-operation between the authorities and institutions concerned, the exchange of information, and the exchange of legal provisions and publications on matters of social policy, including social insurance. The Contracting Parties shall likewise promote the organization of lectures and exhibitions illustrating the achievements of the two countries in this field, and shall facilitate visits by the workers of the

¹ Came into force on 1 November 1959, the first day of the month following the exchange of the instruments of ratification which took place at Budapest on 23 October 1959, in accordance with article 29.

authorities concerned so as to familiarize those of each Contracting Party with the social policy of the other Contracting Party.

Article 2

The Contracting Parties shall promote reciprocal holiday arrangements for children, young people and workers.

II. PRINCIPLE OF EQUAL TREATMENT

Article 3

Save as otherwise provided by this Agreement, nationals of one Contracting Party who are employed in the territory of the other Contracting Party, and members of their families, shall be accorded equal treatment with nationals of the latter Party as regards matters covered by labour legislation, vocational training, social insurance and other benefits.

III. SOCIAL INSURANCE

Chapter 1

GENERAL PROVISIONS

Article 4

This Agreement shall apply to the legal provisions of the two Contracting Parties under which manual and non-manual workers and persons treated as workers, hereinafter referred to as workers, and members of their families are covered by social insurance; that is to say, by :

- (a) Sickness insurance, including maternity insurance;
- (b) Pension insurance, including insurance against industrial accident and disease, hereinafter referred to as pension insurance;
- (c) Family allowances.

Article 5

(1) Workers, with the exception of those referred to in paragraph (2), shall be covered by the social insurance legislation of the Contracting Party in whose territory the insurable employment or activity is carried on.

(2) Workers of communications, transport and other undertakings, of authorities and of institutions having their head offices in the territory of one Contracting Party, who are sent to work temporarily in the territory of the other Contracting Party, shall be subject to social insurance in accordance with

the legal provisions of the Contracting Party in whose territory the sending undertaking, authority or institution has its head office.

(3) Persons in receipt of a pension shall be entitled to sickness and maternity benefits and funeral allowance in accordance with the legal provisions of the Contracting Party whose competent authority is responsible for the payment of the pension. Persons in receipt of a partial pension from each of the two Contracting Parties shall be entitled to the above-mentioned benefits in accordance with the legal provisions of the Contracting Party in whose territory they are permanently resident. If a person in receipt of a pension works, the provisions of paragraph (1) or (2) shall apply.

Article 6

Nationals of one Contracting Party who are employed by a diplomatic, consular or other mission of that Party established in the territory of the other Contracting Party, or by the head, members or other employees of such mission, shall be subject to social insurance in accordance with the legal provisions of the Party which maintains the said mission.

Article 7

The central authorities of the Contracting Parties may, by agreement, decide that the social insurance of the persons specified in article 5, paragraphs (2) and (3), and article 6 shall be administered otherwise than as provided by those articles.

Article 8

(1) In establishing the right to social insurance benefits and in determining the rates thereof, employment periods and equivalent periods completed in the territory of both Contracting Parties shall be taken into account. Each Party shall determine in accordance with its own legal provisions what employment periods and equivalent periods completed in its territory are to be taken into account.

(2) Social insurance benefits accruing to nationals of one Contracting Party in virtue of employment periods and equivalent periods completed in the territory of a third State shall not accrue to nationals of the other Contracting Party.

Article 9

(1) Where the legal provisions of either Contracting Party make the acquisition, maintenance or recovery of the right to social insurance benefits con-

ditional upon residence in its territory, each Contracting Party shall treat residence in the territory of the other Party as residence in its own territory.

(2) Each Contracting Party shall grant social insurance benefits to nationals of the other Contracting Party who are temporarily or permanently resident in a third State under the same conditions as to its own nationals who are temporarily or permanently resident in that State.

Article 10

(1) The legal provisions of either Contracting Party for the limitation or suspension of pensions or other social insurance benefits shall also apply where other benefits, earnings or income are received from the territory of the other Contracting Party.

(2) The central authorities of the Contracting Parties shall, where necessary, determine by agreement the scope and method of application of the provisions of paragraph (1).

Article 11

If, under the legal provisions of one Contracting Party, the rate of pension or other pecuniary benefit is computed on the basis of the average wage earned during a specified employment period, wages earned in the territory of the other Contracting Party shall also be taken into account in establishing such average wage.

Chapter 2

SICKNESS AND MATERNITY BENEFITS

Article 12

Benefits under sickness and maternity insurance shall be granted, subject to the provisions of article 13, by the competent authority of the Contracting Party with which the worker or pensioner or the members of his family acquired the right to such benefits, even if the entitled person is temporarily or permanently resident in the territory of the other Contracting Party.

Article 13

(1) If a person entitled to benefits in kind under article 12 is temporarily or permanently resident in the territory of the other Contracting Party, such benefits, with the exception of treatment in hospital (in a sanatorium), shall be granted in accordance with the legal provisions binding upon it and at its ex-