

No. 6325

**HUNGARY
and
YUGOSLAVIA**

**Convention on the regulation of matters relating to the
social security of their nationals. Signed at Budapest,
on 7 October 1957**

Official texts: Hungarian and Serbo-Croat.

Registered by Hungary on 27 September 1962.

**HONGRIE
et
YOUGOSLAVIE**

**Convention régissant certaines questions relatives à la
sécurité sociale des nationaux des deux pays. Signée à
Budapest, le 7 octobre 1957**

Textes officiels hongrois et serbo-croate.

Enregistrée par la Hongrie le 27 septembre 1962.

[TRANSLATION — TRADUCTION]

No. 6325. CONVENTION¹ BETWEEN THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC AND THE GOVERNMENT OF THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA ON THE REGULATION OF MATTERS RELATING TO THE SOCIAL SECURITY OF THEIR NATIONALS. SIGNED AT BUDAPEST, ON 7 OCTOBER 1957

The Government of the Hungarian People's Republic and the Government of the Federal People's Republic of Yugoslavia have decided to provide to nationals of either country temporarily or permanently working or residing in the territory of the other country, on the basis of reciprocity and complete equality of rights, such social insurance benefits as are required for their social security. For this purpose their plenipotentiaries, having exchanged their full powers, found in good and due form, have agreed as follows :

Chapter I

BASIC PROVISIONS

Article 1

1. Under this Convention, the Contracting Parties shall reciprocally guarantee the social insurance rights of manual and non-manual workers and of persons treated as such (hereinafter called "workers"), irrespective of the Contracting Party in whose territory such persons reside and irrespective of the Contracting Party under whose legislation they are insured, in so far as relates to the acquisition, determination and maintenance of rights deriving from the following legislation :

In Hungary :

- (a) Legislation relating to sickness insurance for workers;
- (b) Legislation relating to pensions for workers under the social insurance system;
- (c) Legislation relating to children's allowances;
- (d) Legislation relating to unemployment assistance;

In Yugoslavia :

- (a) Legislation relating to social insurance for manual and non-manual workers and their dependants;

¹ Came into force on 1 July 1958, the first day of the month following the exchange of notifications which took place at Belgrade on 18 June 1958, in accordance with article 32.

- (b) Legislation relating to children's allowances;
- (c) Legislation relating to the material welfare of temporarily unemployed manual and non-manual workers.

2. This Convention shall also apply to rights deriving from legislation which amends or supplements the legislation specified in paragraph 1. If, however, such amending or supplementary legislation extends the legislation specified in paragraph 1 to new categories of workers or establishes new benefits, this Convention shall apply to the rights deriving therefrom only if the other Contracting Party makes no objection within three months from the date on which the amending or supplementary legislation is reported in accordance with article 28.

3. If either Contracting Party amends any of the legislation specified in paragraph 1 of this article by concluding a social insurance convention with a third State, this Convention shall not apply to the rights deriving therefrom unless the Contracting Parties so agree.

Article 2

Nationals of the Contracting Parties shall, save as otherwise provided in this Convention, be placed on an equal footing in respect of rights and obligations deriving from the legislation specified in article 1.

Article 3

1. Workers of the Contracting Parties shall be insured under the social insurance legislation of the Contracting Party in whose territory the worker concerned is carrying on the insurable occupation (activity).

2. The provisions of paragraph 1 shall be subject to the following exceptions :

- (a) A worker of an enterprise or employer established in the territory of one Contracting Party who is sent to work in the territory of the other Contracting Party shall continue to be insured under the legislation of the Contracting Party in whose territory the sending enterprise or employer is established;
- (b) Workers of passenger and goods transport enterprises, including workers of air transport and shipping enterprises and postal workers, and workers engaged in supervising traffic between the two countries shall be insured under the legislation of the Contracting Party in whose territory the enterprise employing them is established or the agency sending them abroad is situated.

3. Pensioners who are not insured as workers shall be insured under the legislation of the Contracting Party whose insurer is required, under this Conven-

tion, to pay the pension. If the application of this provision would result in double insurance, the pensioner shall be insured under the legislation of the Contracting Party in whose territory he is domiciled.

Article 4

1. If a national of one Contracting Party is employed in the territory of the other Contracting Party by a diplomatic or consular mission of his own State or by a head, member or other employee of such mission, he shall be insured under the legislation of the Contracting Party maintaining the mission, provided that he is not domiciled in the territory in which the mission is functioning.

2. If a worker employed by a diplomatic or consular mission or by a head, member or other employee of such mission is not a national of the Contracting Party maintaining the mission, or if he is a national of the said Party but is domiciled in the territory in which the mission is functioning, he shall be insured in accordance with the provisions of article 3, paragraph 1.

Article 5

The competent administrative authorities of the Contracting Parties may agree to apply rules other than those defined in articles 3 and 4 to the insurance of specified groups of workers or pensioners.

Article 6

1. In determining entitlement to insurance benefits and in calculating the amount of such benefits, the Contracting Parties shall take account of all insurance periods or periods equivalent thereto completed in the territory of the two Parties which, under the legislation in force in the territory concerned, must be taken into account in determining entitlement to benefits or in calculating the amount of benefits.

2. In the determination of entitlement to a benefit provided for under the legislation of only one Contracting Party, insurance periods or periods equivalent thereto shall not be combined in the manner specified in paragraph 1.

3. Where two periods correspond to the same calendar period, the period to be taken into account under the provisions of this article shall be that completed under compulsory insurance. If the claimant was not covered by compulsory insurance during the calendar period in question, the period to be taken into account shall be that completed under the legislation of the Contracting Party in whose territory he is domiciled when he files the claim; if, at that time, the claimant is domiciled in the territory of a third State, the period to be taken into account shall be that completed under the legislation of the Contracting Party under whose legislation he was last insured.

Article 7

If, under the legislation of one Contracting Party, the amount of any pension or other pecuniary benefit must be calculated on the basis of the average remuneration received during an insurance period of specified duration, the remuneration to be taken into account in determining the average remuneration shall be solely that received during insurance periods completed under the legislation of the Contracting Party whose insurer awards the pension or other pecuniary benefit.

Article 8

The award and payment of pensions or other benefits may not be restricted by an insurer of either Contracting Party under the legislation of its State except in respect of remuneration or income deriving from the territory of that State.

Article 9

1. Where the legislation of either Contracting Party makes the acquisition, maintenance or recovery of rights conditional upon residence in its territory, the insurer of each Contracting Party shall regard residence in the territory of the other Contracting Party as equivalent to residence in the territory of its own State.

2. If a person entitled to a pension or other pecuniary benefit is resident in the territory of the other Contracting Party with the consent of the insurer responsible for payment of the benefit, the provisions of paragraph 1 shall apply to such payment. The insurer's consent shall not be required if the said person is domiciled in the territory of his own State or returns thereto.

Chapter II

SICKNESS BENEFITS

Article 10

Sickness insurance benefits, including maternity and death benefits, shall be provided, at its own cost and under the legislation of its State, by the insurer with whom the insured person or his dependent acquired entitlement to such benefits.

Article 11

1. If a person entitled to receive benefits in kind from an insurer of one Contracting Party is domiciled in the territory of the other Contracting Party or resides there because he was sent there to work (article 3, paragraph 2, and