

No. 8950

**BELGIUM
and
POLAND**

**General Convention on social security. Signed at Brussels,
on 26 November 1965**

Official texts: French, Dutch and Polish.

Registered by Belgium on 30 January 1968.

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et
POLOGNE**

**Convention générale sur la sécurité sociale. Signée à Bruxelles,
le 26 novembre 1965**

Textes officiels français, néerlandais et polonais.

Enregistrée par la Belgique le 30 janvier 1968.

[TRANSLATION — TRADUCTION]

No. 8950. GENERAL CONVENTION¹ BETWEEN THE KINGDOM OF BELGIUM AND THE POLISH PEOPLE'S REPUBLIC ON SOCIAL SECURITY. SIGNED AT BRUSSELS, ON 26 NOVEMBER 1965

His Majesty the King of the Belgians and
the Council of State of the Polish People's Republic,

Desirous of guaranteeing the benefits of the legislative provisions concerning social security in force in the two Contracting States to the persons to whom these legislative provisions apply or have been applied,

Have resolved to conclude a Convention and for this purpose have appointed as their plenipotentiaries:

His Majesty the King of the Belgians:

Mr. Hervé Brouhon, Minister of Social Welfare;

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

Mr. Aleksander Burski, Chairman of the Committee on Labour and Wages;

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

TITLE I

GENERAL PROVISIONS

Article 1

Belgian or Polish nationals who are employed persons or persons treated as such under the legislative provisions concerning social security set out in article 2 of this Convention shall be subject to the said legislative provisions in force, respectively, in Poland or Belgium and shall enjoy the benefits thereof under the same conditions as the nationals of the State concerned.

Article 2

Paragraph 1. The legislative provisions concerning social security to which this Convention applies shall be:

¹ Came into force on 1 October 1967, the first day of the month after the month following the exchange of the instruments of ratification, which took place at Warsaw on 10 August 1967, in accordance with article 40 (2).

1. In Belgium:

- (a) The legislation concerning sickness and invalidity insurance for wage-earners, salaried employees and miners;
- (b) The legislation concerning retirement and survivors' pensions for wage-earners and salaried employees;
- (c) The legislation concerning retirement and survivors' pensions for miners and persons treated as such;
- (d) The legislation concerning family allowances for employed persons;
- (e) The legislation concerning industrial accidents;
- (f) The legislation concerning occupational diseases.

2. In Poland:

- (a) The general legislation concerning sickness and maternity insurance;
- (b) The legislation concerning family insurance;
- (c) The general legislation concerning insurance for workers against old age, invalidity and death;
- (d) The special legislation concerning insurance for miners against old age, invalidity and death.

Paragraph 2. This Convention shall also apply to any laws or regulations which have amended or supplemented, or which may in future amend or supplement, the legislative provisions referred to in paragraph 1 of this article.

The above notwithstanding, the Convention shall not apply to:

- (a) Laws or regulations covering a new branch of social security, unless an arrangement to that effect is agreed upon between the Contracting States;
- (b) Laws or regulations extending existing schemes to new classes of beneficiaries if the Government of the State concerned lodges an objection with the Government of the other State within a period of three months after the official publication of the said laws or regulations.

Article 3

The provisions of this Convention shall not apply to:

- Career diplomatic and consular officers, including officials on the staff of chancelleries;
- Merchant seamen;
- Workers other than employed persons or persons treated as such.

Article 4

Paragraph 1. Employed persons or persons treated as such under the legislation applicable in each contracting country, who are employed in either country, shall be subject to the legislation in force at their place of employment.

Paragraph 2. The following exceptions shall be made to the principle laid down in paragraph 1 of this article:

- (a) Employed persons or persons treated as such who are employed in a country other than that of their normal residence by an enterprise having, in the country of such residence, an establishment to which the persons concerned normally belong shall remain subject to the legislation in force in the country in which they are normally employed, provided that the duration of their employment within the territory of the second country does not exceed twelve months; where, for unforeseeable reasons, this employment is extended beyond the period originally contemplated and exceeds twelve months, the application of the legislation in force in the country in which the said persons are normally employed may, as an exceptional measure, be continued with the agreement of the competent authorities of the country in which the temporary place of employment is situated. The application for extension must be submitted before the twelve-month period expires;
- (b) Employed persons or persons treated as such who belong to public or private transport enterprises in either contracting country and are employed in the other country, whether permanently or temporarily or as travelling personnel, shall be subject exclusively to the provisions in force in the country in which the enterprise has its head office;
- (c) Employed persons or persons treated as such who belong to official administrative departments and are posted by one contracting country for service in the other contracting country shall be subject to the provisions in force in the country by which they are so posted.

Paragraph 3. The supreme administrative authorities of the Contracting States may provide, by mutual agreement, for exceptions to the rules laid down in paragraph 1 of this article. They may also agree that the exceptions provided for in paragraph 2 shall not apply in specific cases.

Article 5

The provisions of article 4, paragraph 1, shall be applicable to employed persons or persons treated as such, whatever their nationality, who are employed in the diplomatic or consular offices of Belgium or Poland or who are in the personal employ of officers of the diplomatic or consular service of those countries.

Nevertheless, employed persons or persons treated as such who are nationals of the State represented by the diplomatic or consular office may opt between the legislation of their country of origin and the legislation of their place of employment.

TITLE II

SPECIAL PROVISIONS

Chapter I

SICKNESS AND MATERNITY BENEFITS

Article 6

Employed persons and persons treated as such who go from Belgium to Poland or vice versa shall, together with the legally entitled members of their family living with them in the country of the new place of employment, be eligible for sickness insurance benefits in that country if:

1. They have been in employment for wages or in equivalent employment in that country;
2. The sickness has become apparent after their entry into the territory of that country;
3. They fulfil the conditions required for eligibility for benefit under the legislation of the country of their new place of employment, account being taken of the period of insurance in the country they have left and the period which has elapsed since they took up employment in the other country.

Article 7

Employed persons or persons treated as such who go from Belgium to Poland or vice versa shall, together with the legally entitled members of their family living with them in the country of their new place of employment, be eligible for maternity insurance benefits in that country if:

1. They have been in employment for wages or in equivalent employment in that country;
2. They fulfil the conditions required for eligibility for benefit under the legislation of the country of their new place of employment, account being taken of the period of insurance in the country they have left and the period which has elapsed since they took up employment in the other country.