

No. 481

POLAND
and
CZECHOSLOVAKIA

Agreement on co-operation in the field of social policy and administration (with final protocol). Signed at Warsaw, on 5 April 1948

Polish and Czech official texts communicated by the Permanent Representative of Poland. The registration took place on 8 June 1949.

POLOGNE
et
TCHECOSLOVAQUIE

Accord relatif à la collaboration dans le domaine de la politique et de l'administration sociales (avec protocole final). Signé à Varsovie le 5 avril 1948

Textes officiels polonais et tchèque communiqués par le représentant permanent de la Pologne. L'enregistrement a eu lieu le 8 juin 1949.

TRANSLATION — TRADUCTION

No. 481. AGREEMENT¹ BETWEEN THE POLISH REPUBLIC AND THE CZECHOSLOVAK REPUBLIC ON CO-OPERATION IN THE FIELD OF SOCIAL POLICY AND ADMINISTRATION. SIGNED AT WARSAW, ON 5 APRIL 1948

The President of the Polish Republic, on the one hand, and the President of the Czechoslovak Republic, on the other hand, desiring to regulate their mutual relations in the field of social policy and administration in the spirit of the Treaty of Friendship and Mutual Assistance between the Polish Republic and the Czechoslovak Republic, have decided to conclude an agreement for this purpose and have appointed their plenipotentiaries, who, having exchanged their full powers, found in good and due form, have agreed upon the following provisions:

Article 1

(1) The two States will co-operate in all problems and in all sectors of social policy and administration, more particularly for the expansion of social progress both in their own countries and also in the international field.

(2) To this end the two States will encourage, in the field of social policy and administration, the exchange of information, the fullest knowledge of one another, as well as co-operation between the competent authorities, institutions, trade unions and other organizations.

Article 2

(1) The two States will encourage—if necessary also by the provision of material means therefor—reciprocal visits organized by the authorities, institutions, trade unions and other organizations for the purpose of acquiring knowledge in the field of social policy and administration.

(2) The two States will encourage reciprocal holiday schemes for children, young people and employees, operated by the State, trade union organizations, public and other organizations; they will likewise encourage medical care, particularly in health resorts and watering-places. For this purpose the two

¹ Came into force on 1 October 1948, in accordance with article 15, paragraph 1, the exchange of the instruments of ratification having taken place at Prague on 15 September 1948.

States will also encourage the establishment and development of their own and joint institutions in the territory of the other State.

(3) The two States undertake to co-operate with one another in the field of international social welfare services in respect of nationals of the two States, such as, tracing missing persons, securing documents and supplying information, settling individual problems arising out of personal and family relations, etc.

Article 3

(1) Nationals of one State who are employed in the territory of the other State and their families will be treated as regards the labour legislation of the State in which they are employed on the same footing as the nationals of that State.

(2) Unless otherwise provided in the relevant agreement, the provisions of paragraph 1 shall apply to nationals of one State who are employed, on the basis of an agreement between the competent administrative authorities of the two States, in particular undertakings or occupations in the territory of the other State. The relevant agreement may specifically provide that the domestic legislation regarding compulsory change of place of employment or occupation will not apply to nationals of one State who are employed in particular undertakings or occupations in the territory of the other State.

(3) Nationals of one State who are employed in the territory of the other State shall have the same rights and obligations as the nationals of that State in respect of vocational training, membership of trade unions and use of all establishments for the welfare of employees.

Article 4

Certificates of vocational training, certificates and diplomas which are valid in the territory of one State will be accepted in the territory of the other State for the purpose of allocating employees to wage or salary groups.

Article 5

(1) Nationals of one State residing in the territory of the other shall be entitled to old-age (invalidity) pensions, family allowances (family insurance benefits) and other allowances in money and in kind (food, clothing and fuel, railway fare reductions, etc.) on an equal footing with nationals of the other

State. General food cards shall not be issued to members of the family of an employee who are resident in the territory of the other State.

(2) If residence in the territory of one State is a condition for the granting of benefits in money or in kind, residence in the territory of the other State shall not be deemed to be residence abroad.

(3) The provisions of paragraph 2 shall also apply to persons in receipt of public pensions, including payments in money made *ad hoc* and similarly to persons who receive money payments from employers' pension funds and supplementary grants.

(4) The supreme administrative authorities of the two States may, by mutual agreement and within the framework of the general provisions governing reciprocal payments, decide upon a method for the transfer from one State to the territory of the other State, of the benefits and pensions or allowances referred to in paragraphs 1 to 3 and other cash allowances or the equivalent in cash of benefits in kind, and likewise of part of the earnings.

Article 6

Social insurance shall be regulated by a separate agreement.

Article 7

(1) Nationals of one of the two States residing in the territory of the other State shall be given the necessary treatment and assistance, if they require it, by the State in which they are resident to at least the same extent and on the same conditions as nationals of that State.

(2) Such treatment and assistance will include either material assistance or medical treatment and assistance, admission to public medical or welfare institutions, institutions for infirm and aged persons, etc. Several forms of treatment and assistance may be given simultaneously depending on circumstances and actual need.

Article 8

(1) The provision of assistance and treatment in accordance with article 7 by one of the States will not justify a claim for reimbursement of the costs by the other State, if the national of that State has resided in the former State for at least five years.

(2) If a national of one of the States receives assistance and treatment in the territory of the other State in accordance with article 7 for a period of

more than one year, and his period of residence is less than five years, reckoning up to the date on which such assistance or treatment was provided, then the State in which he is resident may request the other State to reimburse the costs incurred during the period of assistance or treatment in excess of the aforesaid period of one year.

(3) Periods of non-residence due to the war shall be disregarded in establishing the five-year period of residence.

(4) The provisions of paragraphs 1 and 2 shall not preclude the possibility of a claim that the costs be reimbursed by the person who was given the assistance or treatment or by the persons responsible for his maintenance.

Article 9

(1) Each of the two States shall take under their care, pending repatriation, children and minors up to the age of 18, who are nationals of the other State but reside in its territory, if their parents are dead or missing or cannot provide them with proper care or subsistence. The cost of such assistance and care shall not be subject to reimbursement by the other State.

(2) Each State will, every three months, notify the appropriate consular authority of the other State when it takes under its care children or minors who are nationals of the other State.

(3) The appropriate consular authority shall, in agreement with the welfare authorities or officials of its own State, fix the date for repatriation of children or minors to their mother country.

(4) The costs of repatriation to the frontier of the country of birth shall be borne by the country of residence.

Article 10

The two States shall establish a Joint Commission, consisting of six members. The Commission will act as an initiatory and advisory organ. Its main task will be to draft the basic regulations for the implementation of the present agreement.

Article 11

The competent Ministers will execute the present agreement, with due consideration for recommendations and proposals made by the Joint Commission. The competent administrative authorities of the two States will notify each other of the regulations issued for the implementation of the present agreement.

Article 12

The consuls of the two States shall be entitled, without special authorization, to take action, personally or through a person authorized by them, on behalf of nationals of their State in all matters arising out of the present agreement and relating to its implementation. This without prejudice to domestic provisions requiring representation by a lawyer or other person with legal knowledge.

Article 13

(1) Documents and official acts relating exclusively to the implementation of the present agreement shall be exempt from fees and taxes.

(2) Documents issued in connexion with the implementation of the present agreement shall not be subject to legalization by diplomatic or consular authorities.

Article 14

The competent authorities and institutions will consult with one another directly in matters relating to the implementation of the present agreement.

Article 15

(1) The present agreement will be ratified as soon as possible. The instruments of ratification will be exchanged in Prague immediately after ratification. The agreement will come into force on the first day of the month following the exchange of the instruments of ratification.

(2) Either of the two States may give notice of termination of the present agreement to take effect at the end of a calendar year, but such notice should be given at least six months before the end of the year.

DONE in duplicate, in both the Polish and Czech languages; both texts shall be considered equally authentic.

IN FAITH WHEREOF, the plenipotentiaries have signed the present agreement and have set their seals thereto.

Warsaw, 5 April 1948.

[L. S.]

(Signed) K. RUSINEK

(Signed) E. ERBAN

FINAL PROTOCOL

On signature of the agreement between the Polish Republic and the Czechoslovak Republic on co-operation in the field of social policy and administration, the two Contracting Parties have agreed as follows:

I

Ad article 2, paragraph 2

Each of the two States shall grant to nationals of the other State the same holiday facilities and medical care as it grants to its own nationals. Both States shall use the holiday facilities and medical care for the systematic development of closer relations between the two peoples by means of mutual exchanges. The necessary accommodation for nationals of the other State will be reserved in health resorts and holiday centres. The two States will encourage the creation either of their own institutions for holidays and medical care or of joint installations of the same kind.

II

Ad article 3, paragraph 1

Labour legislation shall be deemed to mean the provisions governing the planning and regulation of labour, labour contracts, working hours and holidays, provisions relating to earnings and wages, protection of life and health, including the protection of young people and women, and likewise the provisions ensuring labour productivity and discipline.

III

Ad article 8, paragraph 3

The five-year period shall also include any period of residence in territory which became the territory of either of the Contracting States after the end of the second World War.

IV

Ad article 10

The Joint Commission will consist of a three-member delegation nominated by the Polish Government and a three-member delegation nominated by the Czechoslovak Government. One of the members of each State's delegation will be a nominee of the trade unions.

The Joint Commission will meet whenever necessary but not less than one a year, alternately in the Polish Republic and the Czechoslovak Republic. The head of the delegation of the State in which the meeting is held will act as chairman of the session of the Joint Commission.

The representatives of either State may nominate experts to attend the Joint Commission's deliberations. The Joint Commission may set up sub-commissions, composed of members of the Commission or other persons, in which each State will be represented by an equal number of members. The chairmen of such sub-commissions will be nominated by the Polish Minister of Labour and Social Welfare if the session is held in Poland, and by the Czechoslovak Minister of Social Welfare if the session is held in Czechoslovakia.

The Joint Commission's deliberations will be conducted in accordance with rules of procedure drawn up by the Commission itself.

V

Ad article 11

The authorities chiefly responsible for the implementation of the present Agreement shall be the Minister of Labour and Social Welfare in the Republic of Poland and the Minister of Social Welfare in the Czechoslovak Republic.

VI

Ad article 13

Travel documents shall not be deemed to be documents relating exclusively to the implementation of the present agreement.

The present final protocol shall form an integral part of the agreement between the Polish Republic and the Czechoslovak Republic on co-operation in the field of social policy and administration; it is done in duplicate, in both the Polish and Czech languages; both texts shall be considered equally authentic.

Warsaw, 5 April 1948.

[L. S.]

(Signed) K. RUSINEK

(Signed) E. ERBAN