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No. 6320

**HUNGARY
and
BULGARIA**

**Agreement concerning co-operation in the field of social
policy. Signed at Budapest, on 30 June 1961**

Official texts: Hungarian and Bulgarian.

Registered by Hungary on 27 September 1962.

**HONGRIE
et
BULGARIE**

**Accord régissant la coopération en matière de politique
sociale. Signé à Budapest, le 30 juin 1961**

Textes officiels hongrois et bulgare.

Enregistré par la Hongrie le 27 septembre 1962.

[TRANSLATION — TRADUCTION]

No. 6320. AGREEMENT¹ BETWEEN THE HUNGARIAN PEOPLE'S REPUBLIC AND THE PEOPLE'S REPUBLIC OF BULGARIA CONCERNING CO-OPERATION IN THE FIELD OF SOCIAL POLICY. SIGNED AT BUDAPEST, ON 30 JUNE 1961

The Presidential Council of the Hungarian People's Republic and the Presidium of the National Assembly of the People's Republic of Bulgaria,

Desiring, in the spirit of the friendly relations existing between the two countries, to develop and expand their co-operation in the field of social policy, have decided to conclude an Agreement and for this purpose have appointed as their plenipotentiaries :

The Presidential Council of the Hungarian People's Republic :

József Mekis, Deputy Minister for Labour,

The Presidium of the National Assembly of the People's Republic of Bulgaria :

Georgi Manev, Deputy Minister for Finance,

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

I. BASIC PRINCIPLES OF CO-OPERATION

Article 1

The two Contracting Parties shall co-operate in every area of social policy, both in their own territory and at the international level. For this purpose :

- (a) Their competent authorities shall keep each other informed concerning legislation enacted by the Contracting Parties in the field of social policy and, in particular, in the field of social insurance;
- (b) They shall provide each other with statistical information on matters relating to social policy and, in particular, to social insurance;
- (c) They shall promote the exchange of experience and visits between the authorities and organizations having jurisdiction in matters of social policy and social insurance;

¹ Came into force on 1 January 1962, the first day of the month following the exchange of the instruments of ratification which took place at Sofia on 12 December 1961, in accordance with article 36.

- (d) They shall assist the competent authorities of the two Contracting Parties in organizing vacations for children, young people and workers of each Party in the territory of the other;
- (e) Under the provisions of this Agreement, the two Contracting Parties undertake to enforce all rights enjoyed by their workers and by the latter's dependants under existing or future social insurance legislation of the two Parties.

Article 2

Nationals of either Contracting Party employed or resident in the territory of the other Contracting Party and their dependants shall, save as otherwise provided in this Agreement, be placed on an equal footing with nationals of the latter Contracting Party in respect of legislation relating to labour and social insurance. They shall be entitled to the same rights and subject to the same obligations as nationals of the latter Contracting Party.

II. SOCIAL INSURANCE

Chapter 1

GENERAL PROVISIONS

Article 3

1. This Agreement shall apply to all sectors of social insurance governed by the legislation of the Contracting Parties.
2. The provisions of this Agreement—except for article 12, paragraph 2—shall not apply to regular members of the armed forces.

Article 4

1. A worker shall be subject to the social insurance legislation of the Contracting Party in whose territory he is carrying on an insurable activity.
2. Where a worker is simultaneously subject to the social insurance legislation of both Contracting Parties, the applicable legislation shall be that of the Contracting Party in whose territory he is carrying on his principal insurable activity.
3. The provisions of paragraph 1 shall not apply to workers of an enterprise established in the territory of one Contracting Party who are sent to take temporary employment in the territory of the other Contracting Party, workers of passenger and goods transport enterprises, including workers of air transport and shipping enterprises and postal workers, and workers of agencies engaged in supervising traffic between the two countries. Such workers shall continue to

be subject to the social insurance legislation of the Contracting Party in whose territory the enterprise employing them is established or the agency sending them abroad is situated.

Article 5

1. If a national of either Contracting Party is employed by a diplomatic, consular or commercial mission of his own State or by a head, member or other employee of such mission, he shall be subject to the social insurance legislation of the Contracting Party maintaining the said mission in the territory of the other Contracting Party.

2. If a worker employed by a diplomatic, consular or commercial mission or by a head, member or other employee of such mission is not a national of the Contracting Party maintaining the mission, the provisions of article 4, paragraph 1, shall apply.

Article 6

Non-working pensioners shall be subject to the sickness and maternity insurance legislation of the Contracting Party whose competent authority is paying the pension. If the pensioner is receiving pensions from the competent authorities of both Contracting Parties, he shall be subject to the sickness and maternity insurance legislation of only the Contracting Party in whose territory he is domiciled.

Article 7

The competent central authorities of the Contracting Parties may agree to regulate the social insurance of specified groups of workers or pensioners in a manner different from that specified in articles 4-6.

Article 8

1. In determining entitlement to social insurance benefits and in calculating the amount of such benefits, account shall be taken of all employment periods or periods equivalent thereto completed in the territory of the two Contracting Parties.

2. The provisions of paragraph 1 shall not apply in the determination of entitlement to benefits provided for under the legislation of only one Contracting Party.

3. Where a period of compulsory insurance completed under the legislation of one Contracting Party coincides with a period of voluntary insurance completed under the legislation of the other Contracting Party, only the period of

compulsory insurance shall be taken into account. Where a period of compulsory insurance completed under the legislation of one Contracting Party coincides with a period regarded as equivalent to an insurance period under the legislation of the other Contracting Party, only the period of compulsory insurance shall be taken into account.

4. Social insurance rights acquired by nationals of one Contracting Party on the basis of employment periods and periods equivalent thereto completed in the territory of a third State shall not be accorded to nationals of the other Contracting Party, save as agreed by the competent central authorities of the Contracting Parties.

Article 9

1. Where the legislation of either Contracting Party makes the acquisition, maintenance or recovery of rights or the amount of benefits conditional upon residence in its territory, residence in the territory of the other Contracting Party shall be regarded as equivalent to residence in the territory of the former Contracting Party.

2. The provisions of paragraph 1 shall apply to the payment of a pension or other pecuniary benefit even if the entitled person moves to the territory of the other Contracting Party.

3. A competent authority of either Contracting Party providing social insurance benefits to entitled nationals of the other Contracting Party who are resident in a third State shall do so under the same conditions as apply to nationals of the former Contracting Party.

Article 10

Legislation of either Contracting Party restricting or suspending the award or provision of social insurance benefits shall apply even if the circumstances constituting grounds for the restriction or suspension of benefits arose in the territory of the other Contracting Party.

Chapter 2

SICKNESS AND MATERNITY INSURANCE

Article 11

1. Pecuniary benefits under sickness and maternity insurance shall be paid, under the legislation applicable to it and at its own cost, by the social insurance authority with which the entitled person was insured when the claim for such benefits was filed or with which he was last insured.

2. If, at the time when the benefits referred to in the preceding paragraph become payable, the entitled person is resident in the territory of the other Contracting Party, the social insurance authority responsible for payment of the benefit may authorize the social insurance authority of the other Contracting Party to make payment. Payments so made shall be refunded by the social insurance authority responsible for payment of the benefit.

Article 12

1. Benefits in kind under sickness insurance shall be provided, under the legislation of its State, by the competent authority of the Contracting Party in whose territory the entitled person is resident.

2. Nationals of either Contracting Party, including the persons referred to in article 3, paragraph 2, who are temporarily resident in the territory of the other Contracting Party shall, in case of acute illness or urgent need, be provided free of charge by the competent authority of the latter Contracting Party with all essential benefits in kind. The costs of such benefits shall not be refunded.

3. Where the competent authority of either Contracting Party, upon application by the competent authority of the other Contracting Party, provides benefits in kind in excess of those referred to in paragraph 2, the costs so incurred shall be borne by the competent authority of the applicant Contracting Party.

4. Non-working pensioners, including the persons referred to in article 15, and their dependants shall be provided with benefits in kind under sickness and maternity insurance (prophylactic and therapeutic care) by the authority competent for their place of domicile.

5. The conditions and procedure for the provision of benefits in kind (prophylactic and therapeutic care) under this article shall be determined by special agreement between the central authorities of the Contracting Parties designated under article 31. The accounting procedures to be employed in connexion with benefits (hospital or sanatorium care, therapeutic baths, therapeutic equipment and the like) provided under paragraph 3 shall also be determined by the said agreement.

Chapter 3

PENSION INSURANCE

Article 13

1. The competent authorities of the Contracting Parties shall rule on claims for pensions in accordance with the legislation of their State, subject to the

provisions of article 8, and, if the claimant satisfies the conditions prescribed for entitlement, shall determine the amount of the pension on the basis of the employment periods completed in the territory of both Contracting Parties. The competent authority of each Contracting Party shall pay the entitled person a share of such pension proportionate to the duration of the employment periods completed in the territory of its State.

2. If the claimant, even when the periods completed in the territory of both Contracting Parties are combined, satisfies only the conditions prescribed for entitlement under the legislation of one Contracting Party, the competent authority of that Contracting Party shall pay the share of the pension specified in paragraph 1. If the claimant subsequently satisfies the conditions prescribed for entitlement under the legislation of the other Contracting Party, the amount of the pension shall be redetermined in accordance with the provisions of paragraph 1.

3. If the combined amount of the partial pension benefits to be paid by the competent authorities of the two Contracting Parties under the provisions of paragraph 1 is less than the minimum pension provided for by the legislation of the Contracting Party in whose territory the entitled person is domiciled, such person shall be entitled to a supplementary payment equal to the amount of the difference. The supplementary payment shall be made by the authority competent for the entitled person's place of domicile.

4. If the combined amount of the partial pension benefits to be paid by the competent authorities of the two Contracting Parties under the provisions of paragraph 1, or the partial pension benefit awarded under the provisions of paragraph 2, is less than the amount to which the person concerned would be entitled under the legislation of either Contracting Party on the basis of employment periods completed in its territory, the competent authority of that Contracting Party shall increase its partial pension payment to the latter amount.

5. If, under the legislation applicable to a competent authority calculating the combined periods in accordance with paragraph 1, the claimant is entitled to preferential treatment on the basis of periods completed in an occupation which is injurious to health or under difficult working conditions, any periods completed in such circumstances in the territory of the other Contracting Party shall also be regarded as periods entitling the claimant to preferential treatment.

6. If the total duration of the employment periods completed under the legislation of either Contracting Party is less than six months, no claim may be made against the competent authority of that Contracting Party. The competent authority of the other Contracting Party shall not be entitled on that ground to reduce the amount of its pension payment.

Article 14

If a pensioner completes additional employment periods with the competent authority of either Contracting Party and requests a redetermination of his pension on the basis of the additional periods, the procedure for determination of pensions prescribed in article 13 shall be repeated.

Article 15

Invalidity pensions for military personnel and war victims, pensions for victims of the liberation struggle and fascist persecution, personal pensions for special merit, and social pensions for indigent persons shall be awarded and paid by the competent authorities of the Contracting Parties to their own nationals, under the legislation applicable to them.

Article 16

1. Pensions in respect of industrial accidents or diseases shall be awarded and paid by the competent authority of the Contracting Party whose social insurance legislation was applicable to the person concerned at the time when the accident occurred or the disease was contracted. If such person was employed in the territory of both Contracting Parties under conditions capable of causing the same industrial disease, the pension shall be awarded and paid by the competent authority of the Contracting Party whose social insurance legislation was applicable to him at the time when he last worked under such conditions.

2. If a worker whose working capacity was reduced as a result of an industrial accident or disease subsequently suffers further reduction of working capacity as a result of another industrial accident or disease, a pension shall be awarded and paid in respect of the total reduction in working capacity by the competent authority of the Contracting Party whose social insurance legislation was applicable to the person concerned when he suffered the further reduction in working capacity. If the amount of such pension would be less than the amount of a pension awarded previously, payment of the earlier pension shall be continued.

3. If a person whose working capacity was reduced as a result of an industrial accident or disease suffers further reduction of working capacity as a result of deterioration in his condition although he has not suffered another industrial accident or contracted another industrial disease, the authority paying the pension shall be required to make any necessary change in the amount thereof, even if the person concerned was, at the time of the deterioration in his condition, subject to the social insurance legislation of the other Contracting Party.

Article 17

Decisions of the competent authority of either Contracting Party with regard to the existence and extent of invalidity shall also be binding on the competent authority of the other Party.

Article 18

If the amount of a pension must be calculated on the basis of the average remuneration received during an employment period of specified duration, such average remuneration shall be calculated, under the legislation of the Contracting Party whose competent authority awards and pays the pension, on the basis of the remuneration received during the said period in the territory of both Contracting Parties.

III. FAMILY ALLOWANCES

Article 19

1. Family allowances shall be awarded and paid, under the legislation applicable to it, by the competent authority with which the worker concerned acquired entitlement to a family allowance, even if the worker is or his dependants are resident in the territory of the other Contracting Party.

2. If a person entitled to a family allowance is receiving a pension from the competent authorities of both Contracting Parties, the family allowance shall be awarded and paid, under the legislation applicable to it, by the authority competent for his place of domicile.

IV. SOCIAL ASSISTANCE

Article 20

1. Nationals of either Contracting Party domiciled in the territory of the other Contracting Party shall be provided by the competent authorities of the latter Contracting Party with social assistance (material support, accommodation in a welfare home, etc.) to the same extent and under the same conditions as nationals of the latter Party.

2. The Contracting Parties shall make no claim against each other for the reimbursement of expenses incurred in the provision of social assistance under paragraph 1. Claims for the reimbursement of such expenses may, however, be made against the persons receiving such assistance or the members of their families responsible for supporting them.

V. GENERAL PROVISIONS

Article 21

1. The social insurance and other competent authorities of the Contracting Parties shall assist one another in the implementation of this Agreement.

2. Petitions, complaints, etc. relating to the enforcement of rights under this Agreement may be submitted to the competent authority of either Contracting Party. Petitions, complaints, etc. submitted to the competent authority of one Contracting Party shall be regarded as having been submitted simultaneously to the competent authority of the other Contracting Party.

3. Where the validation of rights under this Agreement requires a medical examination of a person resident in the territory of the other Contracting Party, proof that such person is living, or the ascertainment or clarification of other facts, the authority competent for such person's place of residence shall, upon application by the competent authority responsible for establishing such rights or for providing benefits, carry out the necessary examination or investigation and transmit to the applicant authority the results of the examination or the information obtained.

4. Upon application by the social insurance authority of either Contracting Party, the social insurance authority of the other Contracting Party shall act as its agent in enforcing and recovering social insurance claims which the applicant authority wishes to assert against individuals or bodies corporate domiciled or established in the territory of the other Contracting Party.

5. The Contracting Parties shall make no claim against each other for reimbursement in respect of acts performed or services rendered pursuant to this article.

Article 22

Written communications pursuant to this Agreement between the competent authorities or between a competent authority and the persons concerned may be drawn up in the official language of either Contracting Party.

Article 23

In order to facilitate proceedings relating to the application of this Agreement, the competent central authority of each Contracting Party shall designate in its territory the authorities responsible for ensuring that a ruling is made on claims transmitted by the competent authorities of the other Contracting Party and that information, certificates and documents required for the purpose of

ruling on claims and for the validation of rights under this Agreement are procured and transmitted.

Article 24

The diplomatic and consular authorities of each Contracting Party shall be entitled, without special authorization, to represent their own nationals and act on their behalf in all matters arising out of this Agreement and relating to its application before the agencies and social insurance and other authorities of the other Contracting Party, provided that the person concerned has appointed no other representative.

Article 25

If a dispute concerning interpretation arises in connexion with the application of this Agreement, the competent central authorities of the Contracting Parties shall reach agreement concerning the manner in which its provisions are to be applied.

Article 26

1. If it is determined that a claimant is entitled to a pension or other pecuniary benefit under this Agreement but a dispute arises as to which social insurance authority is responsible for payment or as to the measure in which each competent authority is responsible for payment, such person shall be entitled to receive an advance payment until such time as the dispute is settled. The competent social insurance authority of the Contracting Party in whose territory the entitled person is domiciled shall fix and remit, under the legislation of its State, an advance payment equal in amount to the benefit to which such person is entitled.

2. If the amount of the advance payments was not greater than the total amount which the person concerned was entitled to receive from the two Contracting Parties but was greater than the portion which the social insurance authority paying the advance was required to pay in accordance with the decision adopted, the social insurance authority of the other Contracting Party shall be required to refund the excess.

3. If the amount of the advance payments was greater than the total amount which the person concerned was entitled to receive from the social insurance authorities of the two Contracting Parties, the said authorities shall be entitled to deduct the excess from the amount to be paid by them. The amount of such deduction shall not exceed 20 per cent of the amount to be paid.

Article 27

The social insurance authority of either Contracting Party may authorize the social insurance authority of the other Contracting Party to pay a specified

sum, at the former authority's cost, to an entitled person residing in the territory of the latter Contracting Party.

Article 28

Applications, papers and documents submitted for the purpose of validating rights under this Agreement shall be exempted from all duties and charges. They shall not require authentication by diplomatic or consular authorities.

Article 29

Transfers of funds pursuant to this Agreement shall be effected in accordance with the agreement on non-commercial payments binding on the two Contracting Parties at the time of the transfer.

Article 30

1. Measures required for the application of this Agreement shall be taken by the competent central authorities of the two Contracting Parties (article 31) The said authorities shall inform each other of such measures.

2. The central authorities referred to in paragraph 1 shall communicate with each other directly, and, where necessary, their representatives shall meet to discuss specific questions relating to the application of this Agreement and to arrange for the exchange of experience in the field of social policy. Such meetings of representatives of the competent central authorities of the two Contracting Parties shall be held alternately in the territory of each Contracting Party.

Article 31

Following the entry into force of this Agreement, the Contracting Parties shall inform each other which central authorities are competent to apply the Agreement and shall notify each other forthwith of any changes subsequently made in that regard.

Article 32

This Agreement shall also apply to any legislation by which the Contracting Parties may in the future amend or supplement legislation relating to the matters regulated by the Agreement.

Article 33

The two Contracting Parties shall apply this Agreement in close co-operation with the trade union organizations.

VI. TRANSITIONAL AND FINAL PROVISIONS

Article 34

1. The provisions of this Agreement shall also apply to pensions for which a claim was filed before the entry into force of the Agreement.

2. In the application of this Agreement, account shall be taken of employment periods or periods equivalent thereto completed before the entry into force of the Agreement.

Article 35

1. Employment periods or periods equivalent thereto completed before the date of the signing of this Agreement shall be regarded as having been completed under the legislation of the Contracting Party in whose territory the person entitled to a pension was domiciled on the said date.

2. Pensions for which claims were filed before the date of the signing of this Agreement shall be awarded and paid, under the legislation applicable to it, by the social insurance authority of the Contracting Party in whose territory the entitled person was domiciled on the said date. This provision shall also apply if the social insurance authority of the other Contracting Party awarded a pension to the entitled person before the entry into force of the Agreement but has not paid it.

3. The social insurance authority competent for the pensioner's place of domicile shall assume responsibility for and continue payment of pensions awarded and paid by one Contracting Party to persons who on the date of the signing of this Agreement are domiciled in the territory of the other Contracting Party. The two Contracting Parties shall for this purpose exchange lists of such pensioners within one month after the entry into force of the Agreement. The amounts of the pensions enumerated in such lists shall remain unchanged.

4. The Contracting Parties shall make no claim against each other for reimbursement in respect of employment periods calculated or pensions awarded or paid under the provisions of this article.

Article 36

1. This Agreement shall be ratified. The instruments of ratification shall be exchanged at Sofia as soon as possible. The Agreement shall enter into force on the first day of the month following the exchange of the instruments of ratification.

2. The Agreement shall remain in force for a term of five years from the date of its entry into force. It shall continue in force for successive terms of

five years unless denounced through the diplomatic channel by one of the Contracting Parties not less than one year before the expiry of the current term.

3. If the Agreement is denounced, its provisions shall continue in force in respect of pensions awarded before the date on which it ceases to have effect. The provisions of article 35 shall also continue in force without change.

Article 37

This Agreement has been drawn up in duplicate, in the Hungarian and Bulgarian languages. Both texts are equally authentic.

IN WITNESS WHEREOF the designated plenipotentiaries have signed this Agreement and have thereto fixed their seals.

DONE at Budapest, on 30 June 1961.

For the Presidential Council
of the Hungarian People's Republic :

J. MEKIS

For the Presidium
of the National Assembly
of the People's Republic
of Bulgaria :

G. MANEV
