

AGREEMENT BETWEEN THE GOVERNMENT OF THE HUNGARIAN PEOPLE'S REPUBLIC AND THE GOVERNMENT OF THE ROMANIAN PEOPLE'S REPUBLIC CONCERNING CO-OPERATION IN MATTERS OF SOCIAL POLICY. SIGNED AT BUDAPEST, ON 7 SEPTEMBER 1961

The Government of the Hungarian People's Republic and the Government of the Romanian People's Republic, desiring to regulate, in a spirit of friendship and co-operation, relations between the two countries in matters of social policy, have decided to conclude an Agreement and have for this purpose appointed as their plenipotentiaries:

The Government of the Hungarian People's Republic:
Dr. Endre Sik, Minister for Foreign Affairs,

The Government of the Romanian People's Republic:
Corneliu Mănescu, Minister for Foreign Affairs,

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

Article 1

(1) This Agreement shall apply to all social insurance benefits provided for nationals under the law of the Contracting Parties.

(2) The expression "social insurance benefits" shall be understood to mean all pensions and other benefits, in cash and in kind, awarded to nationals in respect of old age, invalidity, the loss of a breadwinner, sickness, pregnancy and confinement, as well as in other contingencies covered by the law of the Contracting Parties.

Article 2

Nationals of one Contracting Party and members of their families who are permanently resident in the territory of the other Contracting Party shall enjoy equality of treatment with nationals of the latter Contracting Party in all matters pertaining to social insurance and labour law.

Article 3

(1) Save as otherwise provided by this Agreement, the provision of social insurance benefits shall be governed by the law of the Contracting Party in whose territory the entitled person is permanently resident.

(2) Save as otherwise provided by this Agreement, social insurance benefits shall be provided by the competent authorities of the Contracting Party in whose territory the entitled person is permanently resident.

Article 4

(1) In the award of pensions and other benefits, full credit shall be given for employment periods, and periods of activity equivalent thereto, completed in the territory of either Contracting Party and recognized by the competent authorities of the Contracting Party in whose territory the periods were completed.

(2) An employment period shall be calculated in accordance with the law of the Contracting Party in whose territory the entitled person is permanently resident.

Article 5

(1) A pension shall be awarded and paid by the competent authority, and in accordance with the law, of the Contracting Party in whose territory the entitled person is permanently resident at the time of application for a pension.

(2) If a pensioner moves from the territory of one Contracting Party to the territory of the other Contracting Party, the authority which has been paying the pension shall discontinue payment thereof at the end of the month in which the removal takes place. The competent authority of the Contracting Party to whose territory the pensioner has moved shall award and pay him a pension, in accordance with the law of its State, as from the first day of the month following the removal.

(3) In the case of nationals who have moved from the territory of one Contracting Party to the territory of the other Contracting Party and who have not been employed since their removal, the amount of the pension shall be calculated on the basis of the average wage rate for an employed person of corresponding qualifications engaged in a similar occupation, at the time when the pension is awarded, in the State to which the entitled person has moved.

(4) The provisions of this article shall also apply in cases where entitlement to a pension has been acquired before the entry into force of this Agreement.

Article 6

(1) Benefits in respect of temporary loss of working capacity (disability allowance), allowances for the maintenance and education of children (family allowances), benefits in respect of pregnancy and confinement, post-natal allowances and other benefits shall be awarded and paid by the competent authority, and in accordance with the law, of the Contracting Party in whose territory the entitled person is permanently resident.

(2) If a person in receipt of such a benefit moves from the territory of one Contracting Party to the territory of the other Contracting Party, payment of the benefit shall cease on the date of the removal except in the case of a family allowance, the payment of which shall cease at the end of the month in which the removal takes place. The competent authority of the Contracting Party to whose territory the beneficiary has moved shall award and pay a benefit, in accordance with the law of its State, as from the date on which payment ceases.

Article 7

Nationals of one Contracting Party who are permanently resident in the territory of the other Contracting Party shall be provided by the competent authorities of the latter Contracting Party, to the same extent and under the same conditions as its own nationals, with such social care and assistance as they may require.

Article 8

(1) Nationals of one Contracting Party who are permanently resident in the territory of the other Contracting Party shall be provided with preventive medical care and treatment under the conditions laid down for the latter Party's own nationals.

(2) Nationals of one Contracting Party who are staying temporarily in the territory of the other Contracting Party shall be provided, in case of acute illness or urgent need, with all essential medical attention free of charge by the competent authorities of the latter Contracting Party.

(3) The conditions for the admission of nationals of one Contracting Party to the public health institutions of the other State for treatment shall be regulated by a special agreement.

Article 9

All expenses incurred in providing social insurance benefits under this Agreement shall be borne by the State which provides the benefits.

Article 10

(1) Employees of diplomatic, consular and commercial missions and other agencies of one State who are sent to the territory of the other State shall be provided with social insurance benefits by the competent authorities, and in accordance with the law, of the sending State if they are nationals of the sending State. This rule shall also apply to the provision of social insurance benefits for persons in the service of employees of such agencies if the said persons are nationals of the sending State.

(2) Employees of an enterprise of one State who are sent to work in the territory of the other State shall be provided with social insurance benefits by the competent authorities, and in accordance with the law, of the State in whose territory the enterprise in question has its head office.

(3) The nationals referred to in paragraphs (1) and (2) of this article shall be provided with preventive medical care and treatment in accordance with the provisions of article 8, paragraph (1), of this Agreement.

Article 11

(1) Applications and other documents filed with the competent authorities or agencies of one Contracting Party within the statutory time-limit shall be deemed to have been filed in good time with the competent authorities or agencies of the other Contracting Party. In such cases, the documents shall be transmitted without delay to the competent authority of the other Contracting Party.

(2) Applications and other official documents relating to the application of this Agreement may be drawn up in the official language of either Contracting Party.

Article 12

(1) The Contracting Parties shall co-operate in all matters relating to the attainment of the objectives of social policy. For this purpose, the agencies and competent central authorities of the Contracting Parties shall exchange experience by:

- (a) Exchanging technical literature and periodicals;
- (b) Exchanging publications dealing with the administration of labour legislation;
- (c) Publishing material on the development of social policy and the results achieved;
- (d) Arranging for exchange visits by experts active in the field of social policy;
- (e) Exchanging information on the results achieved in scientific research.

(2) The agencies and competent central authorities of the Contracting Parties shall keep each other informed of the legislation in force on social policy questions and of changes made therein.

Article 13

(1) In applying this Agreement, the competent authorities of the Contracting Parties shall communicate with one another direct; the names of the said authorities shall be exchanged by the Contracting Parties upon the entry into force of this Agreement.

(2) Questions not resolved by the competent authorities shall be settled through the diplomatic channel.

Article 14

The Contracting Parties shall apply this Agreement in close co-operation with the trade union organizations of their respective States.

Article 15

(1) This Agreement shall be subject to approval by the Governments of the two Contracting Parties and shall enter into force on the date of the exchange of notes communicating such approval.

(2) This Agreement shall remain in force for a term of ten years. It shall be extended for successive terms of five years unless it is denounced by one of the Contracting Parties not later than six months before the expiry of the current term.

(3) If this Agreement is denounced, pensions awarded and paid under the Agreement shall be treated as pensions awarded under the law of the Contracting Party in whose territory the pensioner is permanently resident. Rights acquired under the provisions of this Agreement shall be maintained if the Agreement is denounced.

This Agreement has been done at Budapest on 7 September 1961, in duplicate in the Hungarian and Romanian languages, both texts being equally authentic.

For the Government
of the Hungarian People's Republic:
SIK Endre

For the Government
of the Romanian People's Republic:
C. MĂNESCU

[Quelle: United Nations, Treaty Series, vol. 519, 1964, p.152-160.]