



Treaty Series No. 45 (1958)

Convention on Social Security

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Government of the
Federal People's Republic of Yugoslavia

London, May 24, 1958

[Ratifications were exchanged on July 28, 1958]

*Presented to Parliament by the Secretary of State for Foreign Affairs
by Command of Her Majesty
November 1958*

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**CONVENTION ON SOCIAL SECURITY BETWEEN THE
GOVERNMENT OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENT OF THE FEDERAL PEOPLE'S REPUBLIC
OF YUGOSLAVIA**

London, May 24, 1958

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federal People's Republic of Yugoslavia, Being resolved to co-operate in the social field.

Affirming the principle that the nationals of one Contracting Party should receive, under the social security legislation of the other, equal treatment with the nationals of the latter.

Desirous of giving effect to this principle and of making arrangements enabling their nationals, who go from the territory of one Party to the territory of the other, either to keep any rights which they have acquired under the legislation of the former Party or to enjoy corresponding rights under the legislation of the latter.

Have agreed as follows:

PART I.—DEFINITIONS AND SCOPE

ARTICLE 1

For the purpose of the present Convention, unless the context otherwise requires—

- (a) "territory" means, in relation to the United Kingdom, England, Scotland, Wales, Northern Ireland and the Isle of Man, and, in relation to Yugoslavia, the territory of the Federal People's Republic;
- (b) "national" means, in relation to the United Kingdom, a citizen of the United Kingdom and Colonies, and, in relation to Yugoslavia, a citizen of the Federal People's Republic;
- (c) "legislation" means, according to the context, the laws and regulations specified in Article 2 in force in any part of the territory of one (or the other) Contracting Party;
- (d) "competent authority" means, in relation to the United Kingdom, the Minister of Pensions and National Insurance, the Minister of Health, the Secretary of State for Scotland, the Ministry of Labour and National Insurance for Northern Ireland, the Ministry of Health and Local Government for Northern Ireland, or the Isle of Man Board of Social Services, as the case may require, and, in relation to Yugoslavia, the Secretariats of the Federal Executive Council responsible for the administration of the legislation specified in sub-paragraph (b) of paragraph (1) of Article 2;
- (e) "social security authority" means, in relation to the United Kingdom, the competent authority of the United Kingdom, and, in relation to Yugoslavia, the Federal Institute for Social Security;
- (f) "child" means, in relation to any person; a child, within the meaning of the legislation which is being applied, who is treated under that legislation as being a child of that person or included in his family;

- (g) "parent" includes a person who is treated as a parent under the legislation which is being applied;
- (h) "dependant" means a person who is treated as such under the legislation which is being applied;
- (i) "employed person" means a person who comes within the definition of an employed person (or a person who is treated as an employed person) in the legislation which is being applied; "employment" means employment as an employed person, and the words "employ" and "employer" refer to such employment;
- (j) "benefit" means any pension, allowance or other cash benefit payable under the legislation of one (or the other) Party and includes any additional allowance payable therewith and any increase payable for a dependant;
- (k) "medical benefit" means, in relation to the United Kingdom, any benefit in kind provided under the legislation specified in subparagraph (a) (iii) of paragraph (1) of Article 2 of the Convention, and, in relation to Yugoslavia, any benefit in kind provided under the Yugoslav scheme of health insurance;
- (l) "sickness benefit" means, in relation to the United Kingdom, sickness benefit as defined in the legislation of the United Kingdom other than invalidity pension;
- (m) "invalidity pension" means, in relation to the United Kingdom, sickness benefit as defined in the legislation of the United Kingdom which becomes payable to an insured person—
 - (i) for a period of interruption of employment as defined in that legislation after the lapse in that period of three hundred and twelve days for each of which he has been entitled to receive such benefit;
 - (ii) for a period immediately after he has ceased to be entitled to receive sickness benefit under the legislation of Yugoslavia; or
 - (iii) in accordance with the provisions of paragraph (3) or (4) of Article 14;
- (n) "old age pension" means, in relation to the United Kingdom, a retirement pension or contributory old age pension, as defined in the legislation of the United Kingdom;
- (o) "insurance period" means a period for which an insured person has paid contributions relevant to the benefit in question or has had such contributions paid in respect of him;
- (p) "equivalent period" means a period for which an insured person has had contributions credited to him which are relevant to the benefit in question;
- (r) "children's allowance" means, in relation to the United Kingdom, a family allowance payable under the legislation of the United Kingdom.

ARTICLE 2

(1) The provisions of the present Convention shall apply—

- (a) In relation to the United Kingdom, to—
 - (i) the National Insurance Act, 1946, the National Insurance Act (Northern Ireland), 1946, the National Insurance (Isle of Man) Act, 1948, and the legislation in force before the 5th July, 1948, which was replaced by those Acts;

- (ii) the National Insurance (Industrial Injuries) Act, 1946, the National Insurance (Industrial Injuries) Act (Northern Ireland), 1946, and the National Insurance (Industrial Injuries) (Isle of Man) Act, 1948;
 - (iii) the National Health Service Act, 1946, the National Health Service (Scotland) Act, 1947, the Health Services Act (Northern Ireland), 1948, and the National Health Service (Isle of Man) Act, 1948;
 - (iv) the Family Allowances Act, 1945, the Family Allowances Act (Northern Ireland), 1945, and the Family Allowances (Isle of Man) Act, 1946;
- (b) in relation to Yugoslavia, to the legislation of Yugoslavia concerning
- (i) the social insurance of employed persons and their families;
 - (ii) children's allowances;
 - (iii) allowances for employed persons who are temporarily unemployed.

(2) Subject to the provisions of paragraphs (3) and (4) of this Article, the Convention shall apply also to any law or regulation which amends, supplements or consolidates the legislation specified in paragraph (1) of this Article.

(3) The Convention shall apply, only if the Contracting Parties so agree, to any law or regulation which amends or supplements the legislation specified in paragraphs (1) and (2) of this Article for the purpose of giving effect to any reciprocal agreement on social security which one (or the other) Party has made with a third party.

(4) The Convention shall apply to any law or regulation of one (or the other) Party which extends insurance to a new class of persons or relates to a new branch of social security, unless either Party objects and gives notice to the other to that effect within three months of the official communication of the said law or regulation in accordance with paragraph (3) of Article 31 of the Convention.

PART II.—GENERAL PROVISIONS

ARTICLE 3

Subject to the provisions of the present Convention, a national of one Contracting Party shall be entitled to enjoy the advantages of the legislation of the other Party under the same conditions as if he were a national of the latter Party.

ARTICLE 4

(1) Subject to the provisions of paragraph (2) of this Article and Article 6, where a national of either Contracting Party is employed in the territory of one Party, the legislation of that Party shall, and the legislation of the other Party shall not, apply to his employment.

(2) If a person, not ordinarily resident in the territory of one Party, is employed in that territory by an employer who is resident in the territory of the other Party or has his principal place of business there, then, during the first twelve months of his employment in the former territory—

- (a) the legislation of the latter Party shall apply to his employment, as if he were employed in the territory of that Party;
- (b) the legislation of the former Party shall not apply to his employment.

(3) When the employment specified in paragraph (2) of this Article lasts longer than twelve months, the provisions of that paragraph shall continue to apply to that employment, if the social security authority of the Party in whose territory he is employed agrees thereto before the end of the period of twelve months specified in that paragraph.

ARTICLE 5

(1) For the purpose of this Article, "vessel or aircraft" means—

(a) in relation to the United Kingdom—

- (i) any ship or vessel, registered in the United Kingdom;
- (ii) any other ship or vessel, defined as British for the purpose of the legislation of the United Kingdom, of which the owner (or managing owner, if there is more than one owner) or manager is resident in, or has his principal place of business in, the territory of the United Kingdom; or
- (iii) any aircraft, registered in the United Kingdom, of which the owner (or managing owner, if there is more than one owner) is resident in, or has his principal place of business in, the territory of the United Kingdom;

(b) in relation to Yugoslavia, any ship or aircraft registered in Yugoslavia.

(2) Subject to the provisions of paragraph (3) of this Article, where a person, ordinarily resident in the territory of one Contracting Party, is employed on board any vessel or aircraft of the other Party, the legislation of the latter Party shall apply to him, as if any conditions relating to nationality, residence or domicile were satisfied in his case.

(3) Where a person, ordinarily resident in the territory of one Party and employed on board any vessel or aircraft of the other Party, is paid remuneration in respect of that employment by some person or undertaking having a place of business in the territory of the former Party and not the owner of the vessel or aircraft, the legislation of the former Party shall, in respect of that employment, apply to that national as if the vessel or aircraft were a vessel or aircraft of the former Party, and the person or undertaking paying the said remuneration shall be treated as the employer for the purpose of such legislation.

(4) A sea-going ship or vessel, built in the territory of one Party for a person or undertaking whose principal place of business is in the territory of the other Party, shall be deemed to be a vessel of the latter Party during the period which elapses between the beginning of the operation of launching and the registration of such ship or vessel, and the provisions of paragraph (3) of this Article shall apply as if the said person or undertaking were the owner of the vessel.

ARTICLE 6

(1) Subject to the provisions of paragraph (1) of Article 8, the present Convention shall not apply to established members of the foreign service of the United Kingdom or to diplomatic and consular officers of Yugoslavia.

(2) Subject to the provisions of paragraph (1) of this Article, where a national of one Contracting Party is employed in the territory of the other Party in the government service of the former Party and is not permanently settled in that territory, or any person is employed in the private service of

such a national so employed and is not so settled, the legislation of the former Party shall apply to his employment as if he were employed in the territory of that Party, and the legislation of the latter Party shall not apply to his employment.

(3) Subject to the provisions of paragraphs (1) and (2) of this Article, where a national of either Party is employed in the territory of one Party in a diplomatic or consular post of the other Party, or any person is in the private service of a national of either Party so employed, the legislation of the Party in whose territory he is employed shall apply to his employment.

ARTICLE 7

The competent authorities of the two Contracting Parties may agree to modify the provisions of Articles 4, 5 and 6 in relation to particular persons or classes of persons.

PART III.—BENEFIT

Medical Benefit

ARTICLE 8

(1) A person insured under the legislation of one Contracting Party or a dependant of such a person shall be entitled, while he is in the territory of the other Party, to receive the medical benefit of the latter Party under the same conditions as, respectively, a person who is insured under the legislation of the latter Party and ordinarily resident in the territory of that Party or a dependant of such a person.

(2) Any person who is following a course of study or training in the territory of one Party shall be treated, for the purpose of this Article, as if he were insured under the legislation of that Party while he is temporarily absent from that territory for the purpose of a visit to the territory of the other Party.

(3) The cost of any medical benefit provided under the legislation of one Party by virtue of paragraph (1) of this Article shall not be reimbursed out of any funds of the other Party.

(4) The social security authorities of the two Parties shall make such arrangements as may be necessary for giving effect to this Article.

Sickness, Maternity and Death Benefit

ARTICLE 9

A person who has completed an insurance period under the legislation of one Contracting Party shall be entitled, together with his dependants, to receive the benefit provided under the legislation of the other Party in respect of sickness, maternity, and death provided that—

(a) he has begun an insurance period under the legislation of the latter Party since his last arrival in the territory of that Party;

(b) he satisfies the conditions laid down by the legislation of the latter Party; and, for this purpose, any insurance period or equivalent period completed under the legislation of the former Party, shall be treated as if it had been completed under the legislation of the latter Party.

ARTICLE 10

Where a person insured under the legislation of one Contracting Party would be entitled to receive sickness benefit under that legislation if he were in the territory of that Party, he shall be entitled, subject to the approval of the social security authority of that Party, to receive that benefit for any period during which he is temporarily in the territory of the other Party.

ARTICLE 11

Where a person is employed in the territory of one Contracting Party and the legislation of the other Party applies to his employment in accordance with the provisions of paragraph (2) of Article 4 or paragraph (2) of Article 6 he shall be treated, for the purpose of any claim to receive sickness benefit under that legislation, as if he were in the territory of the latter Party.

ARTICLE 12

Where a woman is insured under the legislation of one Contracting Party, or is the wife of a person so insured, and is in, or is confined in, the territory of the other Party, she shall, for the purpose of any claim to receive a maternity grant or maternity allowance under the legislation of the former Party, be treated as if she were in, or had been confined in, the territory of the former Party.

ARTICLE 13

(1) If a person dies in the territory of one Contracting Party, his death shall, for the purpose of any claim to receive benefit under the legislation of the other Party, be treated as if it had occurred in the territory of the latter Party.

(2) Where a person who is in the territory of one Party claims benefit under the legislation of the other Party in respect of a death, he shall be treated as if he were in the territory of the latter Party.

Invalidity Pensions

ARTICLE 14

(1) Where a person has completed insurance periods or equivalent periods under the legislation of both Contracting Parties, those periods shall be added together for the purpose of determining his right to receive an invalidity pension.

(2) Subject to the provisions of paragraphs (3) and (4) of this Article, any invalidity pension shall be paid in accordance with the provisions of the legislation under which the person was insured in respect of his employment at the time when the disablement was first medically certified, or was last so insured before that time, and the cost of the pension shall be borne by the social security authority which is responsible under that legislation.

(3) If, at the time when the disablement is first medically certified, less than one year has elapsed since the person's last arrival in the territory of the Party under whose legislation he is insured in respect of his employment or was last so insured, and the disablement is not due to an accident, then any invalidity pension shall be paid in accordance with the provisions of the legislation of the other Party, and the cost of the pension shall be borne by the social security authority which is responsible under that legislation.

(4) If, after suspension or discontinuance of an invalidity pension granted under the legislation of one (or the other) Party, the person again becomes an invalid within a period of three years, the social security authority which originally granted the pension shall be responsible for resuming, in accordance with the provisions of its own national legislation, the payment of that pension, provided that the invalidity is attributable to the disablement for which that pension was previously granted.

Industrial Accidents and Diseases

ARTICLE 15

Where a person is employed in the territory of one Contracting Party and the legislation of the other Party applies to his employment in accordance with the provisions of paragraph (2) of Article 4 or paragraph (2) of Article 6, he shall be treated, for the purpose of any claim to receive benefit under the legislation of the latter Party for an industrial accident occurring or an industrial disease contracted during his employment in the territory of the former Party, as if the accident had occurred or the disease had been contracted in the territory of the latter Party.

ARTICLE 16

Where a person has contracted an industrial disease and has been employed in the territories of both Contracting Parties in occupations involving the risk of that disease, he shall, subject to the provisions of Articles 15 and 18, be treated for the purpose of any claim to receive benefit for that disease under the legislation of the Party in whose territory he was last so employed as if he had been so employed only in that territory.

ARTICLE 17

In assessing, for the purpose of the legislation of one Contracting Party, the degree of disablement due to an industrial accident, any previous industrial accident for which benefit is payable under the legislation of the other Party shall be treated as if it were an industrial accident covered by the legislation of the former Party.

ARTICLE 18

Where a person, having received a benefit for an industrial disease under the legislation of one Party, submits a claim under the legislation of the other Party to receive a benefit for an industrial disease of the same kind, the social security authority of the latter Party shall be responsible for obtaining evidence as to the benefit previously paid in respect of the same disease, and shall treat that benefit as if it had been granted under its own legislation.

Old Age Pensions

ARTICLE 19

(1) Subject to the provisions of Article 21, where a person submits a claim to receive an old age pension by virtue of insurance periods and equivalent periods completed under the legislation of both Contracting Parties, his claim shall be determined in accordance with the provisions of the succeeding paragraphs of this Article.

(2) The appropriate social security authority of each Party shall determine, in accordance with its own national legislation, whether the person satisfies the conditions for receiving a pension under that legislation, and for this purpose, shall take into account all the insurance periods and equivalent periods completed by him under the legislation of the two Parties as if they had been completed under its own national legislation.

(3) Where the right to a pension is established in accordance with the provisions of paragraph (2) of this Article, the social security authority of each Party shall calculate—

- (a) the pension which would have been due to the person under its own national legislation if all the insurance periods and equivalent periods completed by him under the legislation of both Parties had been completed under its own national legislation; and
- (b) that part of such pension which bears the same relation to the whole as the total of all the insurance periods and equivalent periods completed by the person under its own national legislation bears to the total of all the insurance periods and equivalent periods completed by him under the legislation of both Parties.

The part thus calculated shall be the pension actually due to the person from the social security authority concerned.

(4) Where the total of all the insurance periods and equivalent periods completed by a person under the legislation of one Party is less than six months, the appropriate social security authority of the other Party shall take into account all those periods as if they had been completed under its own national legislation, not only for the purpose of determining whether the person satisfies the conditions for receiving an old age pension under that legislation, but also for the purpose of determining the amount of that pension; and no old age pension shall be paid under the legislation of the former Party.

(5) For the purpose of applying this Article, an insurance period or equivalent period completed by a person shall be deemed to include an insurance period or equivalent period completed by the husband of a person in those cases where the person concerned is a woman claiming an old age pension by virtue of her husband's insurance.

ARTICLE 20

Where a person does not simultaneously satisfy the conditions laid down by the legislation of both Parties, his right to receive a pension under the legislation of each Party shall be established and extended as and when he satisfies the conditions laid down by the legislation of that Party, account being taken of the provisions of Article 19.

ARTICLE 21

(1) A person may, at the time when his right to receive a pension is established, choose not to take advantage of the provisions of Article 19. In that case the old age pension which he is entitled to receive under the legislation of each Contracting Party shall be determined separately by its social security authority without regard to insurance periods and equivalent periods completed by him under the legislation of the other Party.

(2) Such person shall be entitled to make a fresh choice between taking advantage of the provisions of Article 19 and those of this Article, if it is in his interest to do so, either when the legislation of either Party is amended,

or when he goes from the territory of one Party to that of the other, or when, in accordance with the provisions of Article 20 or otherwise, his right to a pension is established or extended under the legislation of either Party.

Widow's Benefit and Benefit for Surviving Dependents

ARTICLE 22

The provisions relating to old age pensions contained in Articles 19, 20 and 21 shall apply to widow's benefit and benefit for the children of widows, subject to such modifications in each case as the differing nature of the benefit shall require.

Children's Allowances

ARTICLE 23

(1) Where a person is employed in the territory of one Contracting Party and the legislation of the other Party applies to his employment in accordance with the provisions of paragraph (2) of Article 4 or paragraph (2) of Article 6, he shall be treated for the purpose of any claim to receive children's allowances under that legislation—

- (a) as if he were in the territory of the latter Party and employed in that territory; and
- (b) if his children are in the territory of the former Party, as if they were in the territory of the latter Party.

(2) Where a person is employed in, or ordinarily resident in, the territory of one Party and the provisions of paragraph (1) do not apply to him, he shall be treated, for the purpose of any claim to receive children's allowances under the legislation of that Party, as if—

- (a) he had been born in the territory of that Party, if he was born in the territory of the other Party;
- (b) he had been resident, present or employed in the territory of that Party during any period during which he was, respectively, resident, present or employed in the territory of the other Party.

Unemployment Benefit

ARTICLE 24

(1) For the purpose of any claim to receive unemployment benefit under the legislation of one Contracting Party, a person who is in the territory of that Party shall be treated as if any insurance period or equivalent period completed under the legislation of the other Party were, respectively, an insurance period or equivalent period completed under the legislation of the former Party, provided that—

- (a) he has begun an insurance period under the legislation of the former Party since his last arrival in the territory of that Party; or
- (b) he is a national of the former Party or is ordinarily resident in the territory of that Party.

(2) For the purpose of any claim to receive unemployment benefit under the legislation of the United Kingdom, a person shall be treated as if he had been resident in the territory of the United Kingdom during any period during which he was resident in the territory of Yugoslavia.

Other Provisions about Benefit

ARTICLE 25

(1) Where, under the legislation of one Contracting Party, a person would be entitled to receive benefit for an industrial accident or disease, an invalidity pension, an old age pension, widow's benefit or benefit for surviving dependants, if he were in or resident in the territory of that Party, he shall be entitled to receive that benefit while he is, respectively, in or resident in the territory of the other Party.

(2) In relation to Yugoslavia, the provisions of paragraph (1) of this Article shall apply, subject to the approval of the social security authority of Yugoslavia, to any national of Yugoslavia whose absence from the territory of Yugoslavia involves temporary suspension of the payment of social security benefits under the legislation of Yugoslavia.

ARTICLE 26

(1) Where a person is entitled to receive a benefit under the legislation of one Contracting Party, and would be entitled to receive an increase of that benefit for a dependant if the dependant were in the territory of that Party, he shall be entitled to receive that increase while the dependant is in the territory of the other Party.

(2) Where a person would be entitled, under the legislation of the United Kingdom, to receive widow's benefit or benefit in respect of a death due to an industrial injury or disease if a child were in the territory of the United Kingdom or had been in that territory at the time when one of his parents died or at any other specified time, he shall be entitled to receive that benefit if the child, as the case may be, is in the territory of Yugoslavia or was in that territory at that time.

ARTICLE 27

(1) In applying those provisions of the present Convention which concern the adding together of insurance periods and equivalent periods for the purpose of establishing the right to receive benefit, the social security authority of each Contracting Party, having regard to the relevant provisions of its own national legislation, shall add to any insurance periods and equivalent periods completed under that legislation any insurance periods and equivalent periods completed under the legislation of the other Party, except to the extent that the latter coincide with the former.

(2) The provisions of paragraph (1) of this Article shall be applied in accordance with the following rules:—

- (a) where a period of compulsory insurance, completed under the legislation of one Party, coincides with a period of voluntary insurance, completed under the legislation of the other, only the period of compulsory insurance shall be taken into account;
- (b) where an insurance period, completed under the legislation of one Party, coincides with an equivalent period, completed under the legislation of the other Party, only the insurance period shall be taken into account;
- (c) where an equivalent period completed under the legislation of one Party coincides with an equivalent period completed under the legislation of the other Party, account shall be taken only of the equivalent period completed under the legislation of the Party in whose territory the national concerned was last employed before the beginning

of such period or, if he was not so employed, only of the equivalent period completed under the legislation of the Party in whose territory he is first employed after the end of such period.

ARTICLE 28

Where, under the legislation of either Contracting Party, the amount of any cash benefit is related to the average wage earned during insurance periods, the average wage to be taken into account for the calculation of the benefit due to be paid under that legislation shall be calculated on the basis of the wages earned during the insurance periods actually completed under that legislation.

ARTICLE 29

Where, under the provisions of this Part of the present Convention, any cash benefit is payable by the social security authority of one Contracting Party to a person who is resident in the territory of the other Party, the payment may, at the request of that authority, be made by the social security authority of the latter Party as agent for the authority of the former Party.

ARTICLE 30

Subject to the provisions of Articles 17 and 18, any person claiming a benefit under the legislation of either Contracting Party may choose to have his claim settled without regard to the provisions of this Part of the present Convention.

PART IV.—MISCELLANEOUS PROVISIONS

ARTICLE 31

The social security authorities—

- (a) shall make such administrative arrangements as may be required for the application of the present Convention;
- (b) shall communicate to each other information regarding any measure taken by them for the application of the Convention;
- (c) shall communicate to each other, as soon as possible, information regarding any changes made under their national legislation which affect the application of the Convention or any laws or regulations which extend insurance to new classes of persons or relate to a new branch of social security.

ARTICLE 32

(1) The competent authorities and the social security authorities of the two Contracting Parties shall furnish assistance to one another with regard to any matter relating to the application of the present Convention as if the matter were one affecting the application of their own national legislation.

(2) The social security authorities shall, in particular, agree upon the measures to be adopted for the medical and administrative supervision of persons entitled to benefit by virtue of the present Convention.

(3) Where a person, who is in the territory of one Party, claims any benefit under the legislation of the other Party, the social security authority of the former Party, at the request of the social security authority of the latter Party, shall arrange at its own expense for him to be medically examined.

ARTICLE 33

(1) Any exemption from, or reduction of, legal dues, charges and fees, provided for in the legislation of one Contracting Party in connexion with the issue of any certificate or document required to be produced for the purpose of that legislation, shall be extended to certificates and documents required to be produced for the purpose of the legislation of the other Party.

(2) Where any certificate or other document of one Party has to be produced to the competent authority or social security authority of the other Party for the purpose of applying the present Convention, that authority shall not require the certificate or other document to be legalised or authenticated.

ARTICLE 34

Any claim, notice or appeal which should, for the purpose of the legislation of one Contracting Party, have been presented within a prescribed period to the social security authority of that Party, but which is in fact presented within the same period to the social security authority of the other Party, shall be treated as if it had been presented to the social security authority of the former Party. In such cases, the social security authority of the latter Party shall, as soon as possible, transmit the claim, notice or appeal to the social security authority of the former Party.

ARTICLE 35

The social security authorities of the Contracting Parties may, for the purpose of applying the present Convention, correspond directly with one another, or with any person entitled to receive any benefit by virtue of the present Convention, or with his legal representative.

ARTICLE 36

(1) The amount of any benefit due in accordance with the provisions of the present Convention shall be calculated in the currency of the Contracting Party whose social security authority is responsible for such benefit.

(2) Where a payment is due to be made in pursuance of the present Convention by the social security authority of one Party to the social security authority of the other Party or to a person in the territory of the other Party, it shall be made in accordance with the provisions of any Payments Agreement which may be in force between the Parties at the time when the payment is due to be made.

(3) Where there are restrictions imposed by one or the other Party on the transfer of funds outside the territory of that Party, that Party shall endeavour to make arrangements as soon as possible to enable payment of benefit to be made, notwithstanding those restrictions, in accordance with the provisions of the Convention.

ARTICLE 37

(1) No provision of the present Convention shall confer any right to receive any payment of benefit for a period before the date of the entry into force of the Convention.

(2)—(a) Subject to the provisions of paragraph (1) of this Article, benefit, other than lump sum payments, shall be payable in accordance

with the provisions of the Convention in respect of events which happened before the date of its entry into force, and for this purpose—

- (i) any benefit which has not been awarded because the person concerned has not made a claim or is absent from the territory of either Party shall be determined and paid;
- (ii) any benefit which has been suspended because the person concerned is absent from the territory of either Party shall be paid;
- (iii) any benefit which has been determined shall, where necessary, be determined afresh provided that its capital value has not been liquidated.

(b) Any benefit which is payable in accordance with the provisions of sub-paragraph (a) of this paragraph shall be paid or determined and paid, as the case may be, as from the date of the entry into force of the Convention, provided that the claim therefor is submitted within twelve months of that date.

(3) Any insurance period or equivalent period which a person has completed before the date of the entry into force of the Convention shall be taken into account for the purpose of determining the right to receive benefit in accordance with the provisions of the Convention.

ARTICLE 38

(1) The competent authorities of the Contracting Parties shall endeavour to resolve by negotiation any disagreement relating to the interpretation or application of the present Convention.

(2) If any such disagreement has not been resolved by negotiation within a period of three months, the disagreement shall be submitted to arbitration by an arbitral body whose composition and procedure shall be agreed upon by the Contracting Parties.

(3) The decision of the arbitral body shall be made in accordance with the principles and spirit of the Convention and shall be final and binding.

ARTICLE 39

In the event of the termination of the present Convention, any right acquired by a person in accordance with its provisions shall be maintained, and negotiations shall take place for the settlement of any rights then in course of acquisition by virtue of those provisions.

ARTICLE 40

The present Convention shall be ratified and the instruments of ratification shall be exchanged in Belgrade as soon as possible. The Convention shall enter into force on the first day of the second month following the month in which the instruments of ratification are exchanged.⁽¹⁾

ARTICLE 41

The present Convention shall remain in force for a period of one year from the date of its entry into force. Thereafter it shall continue in force from year to year unless it is denounced in writing three months before the expiry of any such yearly period.

(1) The Convention entered into force on September 1, 1958.

In witness whereof the undersigned, duly authorised by their respective Governments, have signed the present Convention.

Done in duplicate at London this 24th day of May, 1958, in the English and Serbo-Croat languages, both texts being equally authoritative.

JOHN ARCHIBALD BOYD-CARPENTER.

ALLAN NOBLE.

Z. HAS.

IVO VEJVODA.

KONVENCIJA O SOCIJALNOM OSIGURANJU IZMEDJU UJEDINJENOG KRALJEVSTVA VELIKE BRITANIJE I SEVERNE IRSKE I FEDERATIVNE NARODNE REPUBLIKE JUGOSLAVIJE

London, dan 24 Maja 1958

Vlada Ujedinjenog Kraljevstva Velike Britanije i Severne Irske i Vlada Federativne Narodne Republike Jugoslavije,

Pošto su odlučile da saradjuju na socijalnom polju,

Potvrđujući načelo da državljani jedne Ugovorne Strane treba da uživaju, po zakonodavstvu socijalnog osiguranja druge, isti tretman sa državljanima potonje,

Želeći da primene ovo načelo i da omoguće svojim državljanima, koji odlaze sa teritorije jedne Strane na teritoriju druge, da zadrže prava stečena po zakonodavstvu predjašnje Strane ili da uživaju odgovarajuća prava po zakonodavstvu potonje,

Saglasile su se u sledećem :

DEO I.—DEFINICIJE I OPSEG

ČLAN I

U smislu ove Konvencije, osim ako iz teksta drugojačije proizilazi—

- (a) “teritorija” znači, u odnosu na Ujedinjeno Kraljevstvo, Englesku, Škotsku, Vels, Severnu Irsku i Ostrvo Man, a u odnosu na Jugoslaviju teritoriju Federativne Narodne Republike;
- (b) “državljanin” znači, u odnosu na Ujedinjeno Kraljevstvo, državljanina Ujedinjenog Kraljevstva i Kolonija, a, u odnosu na Jugoslaviju, državljanina Federativne Narodne Republike;
- (c) “zakonodavstvo” znači, prema tekstu, zakone i propise poblize označene u članu 2 na snazi na ma kojem delu teritorije jedne (ili druge) Ugovorne Strane;
- (d) “nadležni organ” znači, u odnosu na Ujedinjeno Kraljevstvo, Ministra penzija i nacionalnog osiguranja, Ministra zdravlja, Državnog sekretara za Škotsku, Ministarstvo rada i nacionalnog osiguranja Severne Irske, Ministarstvo zdravlja i lokalne samouprave Severne Irske, ili za Ostrvo Man, Upravu za socijalne službe, već prema slučaju, a, u odnosu na Jugoslaviju, sekretarijate Saveznog izvršnog veća odgovorne za primenu zakonodavstava označenih u podtački (b) tačke (1) člana 2;
- (e) “organ socijalnog osiguranja” znači, u odnosu na Ujedinjeno Kraljevstvo, nadležni organ Ujedinjenog Kraljevstva, a, u odnosu na Jugoslaviju, Savezni zavod za socijalno osiguranje;
- (f) “dete” znači, u odnosu na ma koje lice, dete, u smislu zakonodavstva koje se primenjuje, koje se tretira po tom zakonodavstvu kao dete tog lica ili je uključeno u njegovu porodicu;
- (g) “roditelj” uključuje lice koje se tretira kao roditelj po zakonodavstvu koje se primenjuje;
- (h) “član porodice” znači lice koje se takvim smatra po zakonodavstvu koje se primenjuje;

- (i) "zaposleno lice" znači lice koje spada u definiciju zaposlenog (ili lice koje se smatra kao zaposleno) po zakonodavstvu koje se primenjuje; "zaposlenje" znači zaposlenje zaposlenog lica, a reči "zaposliti" i "poslodavac" odnose se na takvo zaposlenje;
- (j) "davanje" znači svaku penziju, dodatak ili drugo novčano davanje plativo po zakonodavstvu jedne (ili druge) Strane i uključuje svako dopunsko plaćanje plativo uz ista i svako povećanje plativo za člana porodice;
- (k) "zdravstvena zaštita" znači, u odnosu na Ujedinjeno Kraljevstvo, svako davanje uaturi predviđeno zakonodavstvom označenim u podtački (a) (iii) tačke (1) člana 2 Konvencije, a, u odnosu na Jugoslaviju, davanja uaturi predviđena jugoslovenskim sistemom zdravstvenog osiguranja;
- (l) "novčano davanje zbog nesposobnosti za rad usled bolesti" znači, u odnosu na Ujedinjeno Kraljevstvo, novčano davanje zbog nesposobnosti za rad usled bolesti kako je određeno zakonodavstvom Ujedinjenog Kraljevstva, osim invalidske penzije;
- (m) "invalidska penzija" znači, u odnosu na Ujedinjeno Kraljevstvo, novčano davanje zbog nesposobnosti za rad usled bolesti, kako je određeno zakonodavstvom Ujedinjenog Kraljevstva, koje postaje plativo osiguranom licu—
- (i) za vreme prekida zaposlenja kako je određeno u tom zakonodavstvu posle protoka svakog takvog perioda od 312 dana za koje je imao pravo da prima takvo davanje;
- (ii) za vreme neposredno posle prestanka prava na primanje novčanog davanja zbog nesposobnosti za rad usled bolesti po jugoslovenskom zakonodavstvu; ili
- (iii) na osnovu odredaba tačaka (3) i (4) člana 14;
- (n) "starosna penzija" znači, u odnosu na Ujedinjeno Kraljevstvo, penziju koja pripada usled povlacenja osiguranika s posla ili starosnu penziju po osnovu doprinosa, kako je određeno zakonodavstvom Ujedinjenog Kraljevstva;
- (o) "period osiguranja" znači period za koji je osigurano lice platilo odnosno doprinose osiguranja za davanje u pitanju ili su takvi doprinosi bili uplaćeni za njega;
- (p) "izjednačen period" znači period za koji je osiguranom licu doprinos za odnosno davanje u pitanju, priznat kao plaćen;
- (r) "dodatak na decu" znači, u odnosu na Ujedinjeno Kraljevstvo, porodični dodatak plativ po zakonodavstvu Ujedinjenog Kraljevstva.

ČLAN 2

(1) Odredbe ove Konvencije primenjivaće se—

(a) U odnosu na Ujedinjeno Kraljevstvo, na—

- (i) Zakon o nacionalnom osiguranju, 1946, Zakon o nacionalnom osiguranju (Severna Irska), 1946, Zakon o nacionalnom osiguranju (Ostrvo Man), 1948, i zakonodavstvo na snazi pre 5-og jula, 1948, koje je zamenjeno ovim zakonima;
- (ii) Zakon o nacionalnom osiguranju (nesreće na poslu), 1946, Zakon o nacionalnom osiguranju (nesreće na poslu), (Severna Irska), 1946, i Zakon o nacionalnom osiguranju (nesreće na poslu) (Ostrvo Man), 1948;

- (iii) Zakon o nacionalnoj zdravstvenoj službi, 1946, Zakon o nacionalnoj zdravstvenoj službi (Škotska), 1947, Zakon o zdravstvenoj službi (Severna Irska), 1948, i Zakon o nacionalnoj zdravstvenoj službi (Ostrvo Man), 1948;
 - (iv) Zakon o porodičnim dodacima, 1945, Zakon o porodičnim dodacima (Severna Irska), 1945, i Zakon o porodičnim dodacima (Ostrvo Man), 1946;
- (b) U odnosu na Jugoslaviju, na zakonodavstvo Jugoslavije koje se odnosi na—
- (i) socijalno osiguranje radnika i službenika i njihovih porodica;
 - (ii) dodatke na decu;
 - (iii) pomoći lica u radnom odnosu privremeno nezaposlenih.

(2) Shodno odredbama tačaka (3) i (4) ovog člana, Konvencija će se takodje primeniti na svaki zakon ili propis koji menja, dopunjuje ili kodificira zakonodavstvo označeno u tački (1) ovog člana.

(3) Konvencija će se primeniti, samo ako se Ugovorne Strane tako saglase, na svaki zakon ili propis koji menja ili dopunjuje zakonodavstvo označeno u tačkama (1) i (2) ovog člana radi primene bilo kog uzajamnog sporazuma o socijalnom osiguranju koje je jedna (ili druga) Strana zaključila sa trećom Stranom.

(4) Konvencija će se primeniti na svaki zakon ili propis jedne (ili druge) Strane kojima se proširuje osiguranje na novu grupu lica ili se odnosi na nove grane socijalnog osiguranja, osim ako jedna ili druga Strana stavi prigovor i obavesti drugu u roku 3 meseca od službene objave pomenutog zakona ili propisa saobrazno tački (1) člana 31 Konvencije.

DEO II.—OPŠTE ODREDBE

ČLAN 3

Shodno odredbama ove Konvencije, državljanin jedne Ugovorne Strane ima pravo da uživa koristi po zakonodavstvu druge Strane pod istim uslovima kao da je državljanin potonje Strane.

ČLAN 4

(1) Shodno odredbama tačke (2) ovog člana i člana 6, ako je državljanin jedne ili druge Ugovorne Strane zaposlen na teritoriji jedne Strane, primeniće se zakonodavstvo te Strane na njegovo zaposlenje, a ne zakonodavstvo druge Strane.

(2) Ako je lice, koje nije redovno nastanjeno na teritoriji jedne Strane, zaposleno na toj teritoriji kod poslodavca koji je nastanjen na teritoriji druge Strane ili mu je tamo glavno mesto poslovanja, tada, za vreme prvih 12 meseci njegovog zaposlenja na predjašnjoj teritoriji:

- (a) primeniće se zakonodavstvo potonje Strane na njegovo zaposlenje, kao da je zaposlen na teritoriji te Strane;
- (b) zakonodavstvo predjašnje Strane neće se primeniti na njegovo zaposlenje.

(3) Ako zaposlenje označeno u tački (2) ovog člana traje duže od 12 meseci, odredbe ove tačke i dalje će se primenjivati na to zaposlenje, ako se organ socijalnog osiguranja Strane na čijoj teritoriji je zaposlen saglasi s tim pre isteka perioda od 12 meseci određenog u toj tački.

ČLAN 5

(1) U ovom članu "brod ili vazduhoplov" znači—

(a) u odnosu na Ujedinjeno Kraljevstvo—

- (i) svaki brod, registrovan u Ujedinjenom Kraljevstvu;
- (ii) svaki drugi brod, označen kao britanski u smislu zakonodavstva Ujedinjenog Kraljevstva, čiji je vlasnik (ili vlasnik-upravitelj, ako ima više vlasnika) ili upravnik nastanjen, ili ima svoje glavno mesto poslovanja, na teritoriji Ujedinjenog Kraljevstva; ili
- (iii) svaki vazduhoplov, registrovan u Ujedinjenom Kraljevstvu, čiji je vlasnik (ili vlasnik-upravitelj, ako ima više vlasnika) nastanjen, ili ima svoje glavno mesto poslovanja, na teritoriji Ujedinjenog Kraljevstva;

(b) u odnosu na Jugoslaviju, svaki brod ili vazduhoplov registrovan u Jugoslaviji.

(2) Shodno odredbama tačke (3) ovog člana, ako je lice, redovno nastanjeno na teritoriji jedne Ugovorne Strane, zaposleno na brodu ili vazduhoplovu druge Strane, zakonodavstvo potonje Strane primeniće se na njega kao da su uslovi koji se odnose na državljanstvo, prebivalište ili domicil ispunjeni u njegovom slučaju.

(3) Ako lice, redovno nastanjeno na teritoriji jedne Strane a zaposleno na brodu ili vazduhoplovu druge Strane, prima platu po ovom zaposlenju od nekog lica ili preduzeća čije se mesto poslovanja nalazi na teritoriji predjašnje Strane a ne od vlasnika broda ili vazduhoplova, zakonodavstvo predjašnje Strane će se, u odnosu na ovo zaposlenje, primeniti na takvog državljanina kao da je taj brod ili vazduhoplov predjašnje Strane, a lice ili preduzeće koje isplaćuje navedenu platu smatraće se kao poslodavac u smislu tog zakonodavstva.

(4) Brod pomorske plovidbe, sagradjen na teritoriji jedne Strane za lice ili preduzeće čije se glavno mesto poslovanja nalazi na teritoriji druge Strane, smatraće se kao brod potonje Strane za vreme koje protekne između početka operacije spuštanja broda u more i registracije takvog broda, i odredbe tačke (3) ovog člana primeniće se kao da je pomenuto lice ili preduzeće vlasnik broda.

ČLAN 6

(1) Shodno odredbama tačke (1) člana 8, ova Konvencija se neće primeniti na lica od karijere u inostranoj službi Ujedinjenog Kraljevstva ili na diplomatske i konzularne službenike Jugoslavije.

(2) Shodno odredbama tačke (1) ovog člana, ako je državljanin jedne Ugovorne Strane zaposlen na teritoriji druge Strane u državnoj službi predjašnje Strane i nije stalno nastanjen na toj teritoriji, ili svako lice zaposleno u privatnoj službi tako zaposlenog državljanina, koje nije stalno nastanjeno na toj teritoriji, zakonodavstvo predjašnje Strane primeniće se na njegovo zaposlenje kao da je zaposlen na teritoriji te Strane, a zakonodavstvo potonje Strane neće se primeniti na njegovo zaposlenje.

(3) Pod rezervom odredaba tačkaka (1) i (2) ovog člana, ako je državljanin jedne ili druge Strane zaposlen na teritoriji jedne Strane u diplomatskoj ili konzularnoj službi druge Strane ili svako lice u privatnoj službi državljanina jedne ili druge Strane tako zaposlenog, zakonodavstvo Strane na čijoj teritoriji je on zaposlen primeniće se na njegovo zaposlenje.

ČLAN 7

Nadležni organi obeju Strana mogu se saglasiti da izmene odredbe članova 4, 5 i 6 u odnosu na odredjena lica ili kategorije lica.

DEO III.—DAVANJA

Zdravstvena zaštita

ČLAN 8

(1) Lice osigurano po zakonodavstvu jedne Ugovorne Strane ili član porodice takvog lica ima pravo, dok se nalazi na teritoriji druge Strane, da koristi zdravstvenu zaštitu potonje Strane pod istim uslovima kao lice osigurano po zakonodavstvu potonje Stranc redovno nastanjeno na teritoriji te Strane ili član porodice takvog lica.

(2) Svako lice koje se nalazi na studijama ili na stručnom obučavanju na teritoriji jedne Strane smatraće se, u skladu sa ovim članom, kao da je osigurano po zakonodavstvu te Strane dok je privremeno odsutno sa te teritorije, radi posete teritoriji druge Strane.

(3) Troškovi zdravstvene zaštite predviđene zakonodavstvom jedne Strane na osnovu tačke (1) ovog člana neće biti nadoknadjeni iz fondova druge Strane.

(4) Organi socijalnog osiguranja obeju Strana preduzeće mere za koje se ukaže potreba radi primene ovog člana.

Bolest, materinstvo i davanje u slučaju smrti

ČLAN 9

Lice koje ima navršen period osiguranja po zakonodavstvu jedne Ugovorne Strane ima pravo, zajedno sa članovima porodice, da prima davanje predviđeno zakonodavstvom druge Strane zbog bolesti, materinstva i smrti pod uslovom da—

- (a) mu je osiguranje počelo po zakonodavstvu potonje Strane od poslednjeg dolaska na teritoriju te Strane;
- (b) ispunjava uslove propisane zakonodavstvom potonje Strane, i, u tom cilju, svaki period osiguranja ili sa osiguranjem izjednačen period koji je navršio po zakonodavstvu predjašnje Strane, smatraće se kao da je navršen po zakonodavstvu potonje Strane.

ČLAN 10

Ako lice osigurano po zakonodavstvu jedne Ugovorne Strane ima pravo da prima novčano davanje za slučaj bolesti po tom zakonodavstvu da se

nalazi na teritoriji te Strane, imaće pravo, po odobrenju organa socijalnog osiguranja te Strane, da prima ovo davanje za svaki period za koji se privremeno nalazi na teritoriji druge Strane.

ČLAN 11

Ako je lice zaposleno na teritoriji jedne Ugovorne Strane a zakonodavstvo druge Strane se primenjuje na njegovo zaposlenje u skladu sa odredbama tačke (2) člana 4 ili tačke (2) člana 6, tretiraće se, u pogledu bilo kog zahteva za primanje davanja za slučaj bolesti po tom zakonodavstvu, kao da se nalazi na teritoriji potonje Strane.

ČLAN 12

Ako je žena osigurana po zakonodavstvu jedne Ugovorne Strane, ili je žena-bračni drug tako osiguranog lica, i nalazi se, ili se porodi, na teritoriji druge Strane, ona će, u pogledu bilo kog zahteva za prijem pomoći za opremu novorođenog deteta ili materinskog dodatka po zakonodavstvu predjašnje Strane, biti smatrana kao da je, ili da se porodila, na teritoriji predjašnje Strane.

ČLAN 13

(1) Ako lice umre na teritoriji jedne Ugovorne Strane, njegova smrt će se u pogledu bilo kog zahteva za primanje davanja po zakonodavstvu druge Strane, smatrati kao da se desila na teritoriji potonje Strane.

(2) Ako lice koje se nalazi na teritoriji jedne Strane, podnese zahtev za davanje po zakonodavstvu druge Strane zbog nastale smrti, smatraće se kao da se nalazi na teritoriji potonje Strane.

Invalidske penzije

ČLAN 14

(1) Ako lice ima navršene periode osiguranja ili sa osiguranjem izjednačene periode po zakonodavstvu obeju Ugovornih Strana, ovi periodi će se sabirati u cilju određivanja njegovog prava na primanje invalidske penzije.

(2) Pod rezervom odredaba tačaka (3) i (4) ovog člana, svaka invalidska penzija će se isplaćivati prema odredbama zakonodavstva po kojima je lice bilo osigurano u odnosu prema svom zaposlenju, u vreme kada je nesposobnost prvi put lekarski ustanovljena, ili je pre toga bilo poslednji put osigurano, a troškove penzija snosiće organ socijalnog osiguranja odgovoran po tom zakonodavstvu.

(3) Ako je, u vreme kada je nesposobnost prvi put lekarski ustanovljena, proteklo manje od godinu dana od poslednjeg dolaska lica na teritoriju Strane po čijem zakonodavstvu je osiguran u odnosu prema svom zaposlenju ili je bio poslednji put tako osiguran, a nesposobnost nije prouzrokovana nesrećom na poslu, tada će svaka invalidska penzija biti plaćena prema odredbama zakonodavstva druge Strane, a troškove penzija snosiće organ socijalnog osiguranja odgovoran po tom zakonodavstvu.

(4) Ako, posle ukidanja ili obustave invalidske penzije odobrene po zakonodavstvu jedne (ili druge) Strane, lice ponovo postane invalid u roku 3 godine, organ socijalnog osiguranja koji je prvobitno priznao penziju biće dužan da, prema odredbama svog nacionalnog zakonodavstva, ponovo preuzme isplatu te penzije, pod uslovom da se invalidnost pripisuje nesposobnosti za koju je ta penzija bila ranije priznata.

Nesreće na poslu i profesionalne bolesti

ČLAN 15

Ako je lice zaposleno na teritoriji jedne Ugovorne Strane, a zakonodavstvo druge Strane se primenjuje na njegovo zaposlenje prema odredbama tačke (2) člana 4 ili tačke (2) člana 6, smatraće se, u pogledu bilo kog zahteva za primanje davanja po zakonodavstvu potonje Strane zbog nesreće na poslu koja se dogodila ili profesionalne bolesti, zadobijene u toku njegovog zaposlenja na teritoriji predjašnje Strane, kao da se nesreća na poslu dogodila ili da je profesionalna bolest zadobijena na teritoriji potonje Strane.

ČLAN 16

Ako je lice zadobilo profesionalnu bolest, a bilo je zaposleno na teritorijama obeju Ugovornih Strana u zanimanjima izloženim riziku takve bolesti, ono će se, shodno odredbama čl.15 i 18 tretirati, radi sticanja prava na primanje davanja zbog te bolesti po zakonodavstvu Strane na čijoj teritoriji je poslednji put bilo tako zaposleno, kao da je bilo zaposleno samo na toj teritoriji.

ČLAN 17

U ocenjivanju, prema zakonodavstvu jedne Ugovorne Strane, stepena nesposobnosti prouzrokovane nesrećom na poslu, svaka ranije pretrpljena nesreća na poslu za koju se davanje isplaćuje po zakonodavstvu druge Strane, smatraće se kao da je nesreća na poslu obuhvaćena zakonodavstvom predjašnje Strane.

ČLAN 18

Pošto lice koje je počelo da prima davanje zbog zadobijene profesionalne bolesti po zakonodavstvu jedne Strane, podnese zahtev za primanje davanja zbog profesionalne bolesti iste vrste po zakonodavstvu druge Strane, organ socijalnog osiguranja potonje Strane biće obavezan da pribavi dokaze o ranije plaćenom davanju zbog iste bolesti i smatraće to davanje kao da je bilo priznato po sopstvenom zakonodavstvu.

Starosne penzije

ČLAN 19

(1) Shodno odredbama člana 21, ako lice podnese zahtev za priznanje starosne penzije po osnovu perioda osiguranja i sa osiguranjem izjednačenih perioda navršenih po zakonodavstvu obeju Ugovornih Strana, njegov zahtev će biti rešen prema odredbama narednih tačaka ovog člana.

(2) Ovlašćeni organ socijalnog osiguranja svake Strane odrediće, prema sopstvenom nacionalnom zakonodavstvu, da li lice ispunjava uslove za priznanje penzije po tom zakonodavstvu, i, u ovom cilju, uzeće u obzir sve periode osiguranja i sa osiguranjem izjednačene periode koje je navršilo po zakonodavstvu obeju Strana kao da su bili navršeni po sopstvenom nacionalnom zakonodavstvu.

(3) Ako je pravo na penziju ustanovljeno u skladu sa odredbama tačke (2) ovog člana, organ socijalnog osiguranja svake Strane izračunaće—

- (a) penziju koja bi pripadala licu po sopstvenom nacionalnom zakonodavstvu kao da su svi periodi osiguranja i sa osiguranjem izjednačeni periodi koje je ono navršilo prema zakonodavstvu obeju Strana, navršeni po sopstvenom nacionalnom zakonodavstvu, i
- (b) srazmerni deo penzije koji je u istom odnosu prema celoj penziji kao što se ukupan zbir svih perioda osiguranja, i sa osiguranjem izjednačenih perioda navršenih od strane lica po sopstvenom nacionalnom zakonodavstvu, odnosi prema ukupnom zbiru svih perioda osiguranja i perioda izjednačenih sa osiguranjem navršenih sa njegove strane po zakonodavstvu obeju Strana.

Deo tako izračunat biće penzija koja stvarno pripada licu od nadležnog organa socijalnog osiguranja.

(4) Ako je zbir svih perioda osiguranja i sa osiguranjem izjednačenih perioda navršen od lica po zakonodavstvu jedne Strane manji od 6 meseci, nadležan organ socijalnog osiguranja druge Strane uračunaće sve ove periode kao da su bili navršeni po sopstvenom nacionalnom zakonodavstvu, ne samo u cilju odredjivanja da li lice ispunjava uslove za priznanje starosne penzije po tom zakonodavstvu, već takodje, radi odredjivanja visine te penzije, i nikakva starosna penzija neće se isplaćivati po zakonodavstvu predjašnje Strane.

(5) Radi primene ovog člana, period osiguranja ili sa osiguranjem izjednačen period navršen od strane lica smatraće se da uključuje period osiguranja ili izjednačen period navršen od strane muža takvog lica u onim slučajevima u kojima je odnosno lice žena koja je podnela zahtev za priznanje starosne penzije na osnovu osiguranja njenog muža.

ČLAN 20

Ako lice ne ispunjava istovremeno uslove propisane zakonodavstvom obeju Strana, njegovo pravo na primanje penzije po zakonodavstvu svake Strane ustanoviće se i proširiće se tada kada ispuni uslove propisane zakonodavstvom te Strane, uzimajući u obzir odredbe člana 19.

ČLAN 21

(1) Lice može, u vreme kada je njegovo pravo na primanje penzije ustanovljeno, da ne koristi prednosti odredaba člana 19. U tom slučaju, starosnu penziju koju ono ima pravo da prima po zakonodavstvu svake Ugovorne Strane, odrediće odvojeno svaki organ socijalnog osiguranja bez obzira na periode osiguranja i sa osiguranjem izjednačene periode koje je navršilo po zakonodavstvu druge Strane.

(2) Takvo lice imaće pravo da ponovo odabere izmedju prednosti odredaba člana 19 i onih u ovom članu, ako je u njegovom interesu da tako učini, bilo kad se zakonodavstvo jedne ili druge Strane promeni, ili

kada odlazi sa teritorije jedne Strane na teritoriju druge, ili kada u skladu sa odredbama člana 20 ili na drugi način, njegovo pravo na penziju bude ustanovljeno ili prošireno po zakonodavstvu jedne ili druge Strane.

Udovička davanja i davanja za preživjele članove porodice

ČLAN 22

Određbe koje se odnose na starosne penzije sadržane u članovima 19, 20 i 21 primeniće se na udovička davanja i na davanja za decu udovica sa takvim izmenama u svakom pojedinom slučaju kako to bude zahtevala priroda davanja.

Dodaci na decu

ČLAN 23

(1) Ako je lice zaposleno na teritoriji jedne Ugovorne Strane, a zakonodavstvo druge Strane se primenjuje na njegovo zaposlenje shodno odredbama tačke (2) člana 4 ili tačke (2) člana 6, tretiraće se radi sticanja prava na dodatak na decu po tom zakonodavstvu—

- (a) kao da se nalazi na teritoriji potonje Strane i da je zaposleno na toj teritoriji; i
- (b) ako se njegova deca nalaze na teritoriji predjašnje Strane, kao da su na teritoriji potonje Strane.

(2) Ako je lice zaposleno ili redovno nastanjeno na teritoriji jedne Strane, a odredbe tačke (1) se ne primenjuju na njega, smatraće se, u cilju sticanja prava na dodatak na decu po zakonodavstvu te Strane, kao da je—

- (a) rodjeno na teritoriji te Strane, ako je rodjeno na teritoriji druge Strane;
- (b) bilo nastanjeno, prisutno ili zaposleno na teritoriji te Strane za vreme ma kog perioda u kojem je bilo nastanjeno, prisutno ili zaposleno na teritoriji druge Strane.

Davanja zbog nezaposlenosti

ČLAN 24

(1) Radi podnošenja zahteva za davanja zbog nezaposlenosti po zakonodavstvu jedne Ugovorne Strane, lica koje se nalazi na teritoriji te Strane, smatraće se kao da je svaki period osiguranja ili sa osiguranjem izjednačen period navršen po zakonodavstvu druge Strane, period osiguranja ili sa osiguranjem izjednačen period navršen po zakonodavstvu predjašnje Strane, pod uslovom da je—

- (a) otpočeo period osiguranja po zakonodavstvu predjašnje Strane od njegovog poslednjeg dolaska na teritoriju te Strane; ili je
- (b) državljanin predjašnje Strane ili je redovno nastanjen na teritoriji te Strane.

(2) Radi podnošenja zahteva za ostvarivanje prava na davanje za slučaj nezaposlenosti po zakonodavstvu Ujedinjenog Kraljevstva, lice će se smatrati kao da je bilo nastanjeno na teritoriji Ujedinjenog Kraljevstva za vreme bilo kog perioda za vreme koga je bilo nastanjeno na teritoriji Jugoslavije.

Ostale odredbe o davanju

ČLAN 25

(1) Ako bi po zakonodavstvu jedne Ugovorne Strane, lice imalo pravo da prima davanje zbog nesreće na poslu ili profesionalnog obolenja, invalidsku penziju, starosnu penziju, davanje za udovu ili davanje za preživjele članove porodice, da je bilo ili je nastanjeno na teritoriji te Strane, imaće pravo da prima to davanje dok se ono nalazi odnosno dok je nastanjeno na teritoriji druge Strane.

(2) U odnosu na Jugoslaviju, odredbe tačke (1) ovog člana primeniće se na svakog državljanina Jugoslavije čija odsutnost sa teritorije Jugoslavije povlači za sobom privremenu obustavu plaćanja davanja iz socijalnog osiguranja po zakonodavstvu Jugoslavije, pod uslovom da to odobri organ socijalnog osiguranja Jugoslavije.

ČLAN 26

(1) Ako lice ima pravo da prima davanje po zakonodavstvu jedne Ugovorne Strane, a imalo bi pravo da prima povećanje tog davanja za članove porodice kad bi se oni nalazili na teritoriji te Strane, imaće pravo da prima to povećanje dok se članovi porodice nalaze na teritoriji druge Strane.

(2) U slučaju da lice ima pravo, po zakonodavstvu Ujedinjenog Kraljevstva, da prima udovičko davanje ili davanje za slučaj smrti prouzrokovane nesrećom na poslu ili profesionalnom bolešću da se dete nalazi na teritoriji Ujedinjenog Kraljevstva ili se nalazilo na toj teritoriji kada je jedan od njegovih roditelja umro ili u neko drugo određeno doba, ono će imati pravo da prima to davanje ako se dete, prema slučaju, nalazi na teritoriji Jugoslavije ili se u to doba nalazilo na toj teritoriji.

ČLAN 27

(1) U primeni odnosnih odredaba ove Konvencije koje se odnose na sabiranje perioda osiguranja i sa osiguranjem izjednačenih perioda radi ustanovljenja prava na primanje davanja, organ socijalnog osiguranja svake Ugovorne Strane, uzimajući u obzir odnosne odredbe svog nacionalnog zakonodavstva, sabiraće sve periode osiguranja i sa osiguranjem izjednačene periode navršene po tom zakonodavstvu i sve periode osiguranja i sa osiguranjem izjednačene periode navršene po zakonodavstvu druge Strane, izuzev ako se opseg ovih poslednjih podudara sa ranijim.

(2) Odredbe tačke (1) ovog člana primenjivaće se prema sledećim pravilima:

- (a) ako se period obaveznog osiguranja, navršen po zakonodavstvu jedne Strane, podudara sa periodom dobrovoljnog osiguranja navršenim po zakonodavstvu druge, uzeće se u obzir samo period obaveznog osiguranja;
- (b) ako se period osiguranja, navršen po zakonodavstvu jedne Strane, podudara sa izjednačenim periodom navršenim po zakonodavstvu druge, uzeće se u obzir samo period osiguranja;
- (c) ako se sa osiguranjem izjednačen period navršen po zakonodavstvu jedne Strane podudara sa izjednačenim periodom navršenim po zakonodavstvu druge Strane, u obzir se uzima samo sa osiguranjem izjednačen period navršen po zakonodavstvu Strane na čijoj je

teritoriji odnosno državljanin bio poslednji put zaposlen pre početka takvog perioda ili, ako nije bio tako zaposlen, samo sa osiguranjem izjednačen period navršen po zakonodavstvu Strane na čijoj teritoriji se prvo zaposli posle završetka takvog perioda.

ČLAN 28

Ako se po zakonodavstvu jedne ili druge Ugovorne Strane, visina ma kog novčanog davanja određuje prema prosečnoj zaradjenoj plati u toku perioda osiguranja, prosečna plata koja se uzima u obzir za izračunavanje davanja koje ima da se plati po tom zakonodavstvu, biće izračunata na osnovu zaradjene plate u toku perioda osiguranja stvarno navršenih po tom zakonodavstvu.

ČLAN 29

Ako je po odredbama ovog dela ove Konvencije, ma koje novčano davanje plativo od organa socijalnog osiguranja jedne Ugovorne Strane licu nastanjenom na teritoriji druge Strane, isplatu može, na zahtev tog organa, da izvrši organ socijalnog osiguranja potonje Strane kao zastupnik organa predjašnje Strane.

ČLAN 30

Shodno odredbama člana 17 i 18, svako lice koje podnosi zahtev za davanje po zakonodavstvu jedne ili druge Ugovorne Strane, može izabrati da se njegovo pravo odredi bez obzira na odredbe ovog dela ove Konvencije.

DEO IV.—RAZNE ODREDBE

ČLAN 31

Organi socijalnog osiguranja—

- (a) sklopiće takve administrativne sporazume koji se mogu pokazati potrebnim za primenu ove Konvencije;
- (b) izmenjivaće međusobno informacije koje se odnose na mere preduzete sa njihove strane za primenu Konvencije;
- (c) izmenjivaće međusobno, što je moguće pre, obaveštenja koja se odnose na promene izvršene u njihovom nacionalnom zakonodavstvu koje utiču na primenu Konvencije ili ma kojeg zakona ili propisa kojima se proširuje osiguranje na nove grupe lica ili se odnose na nove grane socijalnog osiguranja.

ČLAN 32

(1) Nadležni organi i organi socijalnog osiguranja obeju Ugovornih Strana pružaće pomoć jedan drugome u pogledu svih pitanja koja se odnose na primenu ove Konvencije, kao da pitanje utiče na primenu njihovog sopstvenog nacionalnog zakonodavstva.

(2) Organi socijalnog osiguranja će se, posebno, saglasiti o merama koje valja usvojiti za lekarsku i administrativnu kontrolu lica koja imaju pravo na davanje po osnovu ove Konvencije.

(3) Ako lice, koje se nalazi na teritoriji jedne Strane, podnese molbu za davanje po zakonodavstvu druge Strane, organ socijalnog osiguranja predjašnje Strane, na zahtev organa socijalnog osiguranja potonje Strane, preduzeće mere o svom trošku da ono bude lekarski pregledano.

ČLAN 33

(1) Oslobodjenje od, ili smanjenje, zakonom zasnovanih taksa, nameta i troškova predviđenih zakonodavstvom jedne Ugovorne Strane u vezi sa izdavanjem potrebne potvrde ili dokumenta koji treba da bude podnet u smislu tog zakonodavstva, proširiće se na potrebne potvrde i dokumenta koje valja podneti prema zakonodavstvu druge Strane.

(2) Ako potvrda ili drugi dokument jedne Strane treba da budu podneti nadležnom organu ili organu socijalnog osiguranja druge Strane radi primene ove Konvencije, taj organ neće zahtevati da potvrda ili dokumenat bude legalizovan ili potvrđen.

ČLAN 34

Svaki zahtev, podnesak ili žalba koji bi trebalo, u skladu sa zakonodavstvom jedne Ugovorne Strane da se podnese u propisanom roku organu socijalnog osiguranja te Strane, ali koji je stvarno podnet u istom roku organu socijalnog osiguranja druge Strane, smatraće se kao da je bio podnet organu socijalnog osiguranja predjašnje Strane. U takvim slučajevima, organ socijalnog osiguranja potonje Strane, će, što je moguće pre, dostaviti zahtev, podnesak ili žalbu organu socijalnog osiguranja predjašnje Strane.

ČLAN 35

Organi socijalnog osiguranja Ugovornih Strana mogu, radi primene ove Konvencije, opštiti direktno jedan sa drugim, ili sa ma kojim licem ovlašćenim na primanje davanja po osnovu ove Konvencije, ili sa njegovim zakonskim punomoćnikom.

ČLAN 36

(1) Iznos plativog davanja prema odredbama ove Konvencije obračunaće se u valuti Ugovorne Strane čiji je organ socijalnog osiguranja obavezan na takvo davanje.

(2) Ako isplatu treba da izvrši, prema ovoj Konvenciji, organ socijalnog osiguranja jedne Strane organu socijalnog osiguranja druge Strane ili licu na teritoriji druge Strane, izvršiće se prema odredbama onih sporazuma o plaćanju koji budu na snazi između Strana u vieme kada se isplata mora izvršiti.

(3) Ako postoje ograničenja nametnuta od jedne ili druge Strane u pogledu transfera novca van teritorije te Strane, ta Strana će nastojati da preduzme sve, što je moguće pre, da omogući isplatu davanja uprkos ovih ograničenja, u skladu sa odredbama ove Konvencije.

ČLAN 37

(1) Nijedna odredba ove Konvencije ne daje pravo na primanje bilo kakvog davanja za period pre dana stupanja na snagu Konvencije.

(2)—(a) Shodno odredbama tačke (1) ovog člana, davanje, osim jednokratnih isplata, isplatiće se prema odredbama Konvencije za slučajeve koji su se dogodili pre dana njenog stupanja na snagu, i u ovom cilju—

(i) svako davanje koje nije bilo priznato zato što odnosno lice nije podnelo zahtev ili je odsutno sa teritorije jedne ili druge Strane biće određeno i isplaćeno;

(ii) svako davanje koje je bilo obustavljeno jer je odnosno lice odsutno sa teritorije jedne ili druge Strane biće isplaćeno;

(iii) svako davanje koje je određeno će, ako je potrebno, biti ponovo određeno, pod uslovom da kapitalna vrednost istog nije bila likvidirana.

(b) Davanje koje je plativo prema odredbama podtačke (a) ove tačke biće isplaćeno ili određeno i plaćeno, već prema slučaju, od dana stupanja na snagu Konvencije, pod uslovom da zahtev za to davanje bude podnet u roku od 12 meseci od tog dana.

(3) Svaki period osiguranja ili sa osiguranjem izjednačeni period koje je lice navršilo pre dana stupanja na snagu Konvencije uzeće se u obzir u cilju određivanja prava na primanje davanja u skladu sa odredbama Konvencije.

ČLAN 38

(1) Nadležni organi Ugovornih Strana će nastojati da otklone, putem pregovora, sva neslaganja koja se odnose na tumačenje ili primenu ove Konvencije.

(2) Ako ma koji takav nesporazum nije otklonjen putem pregovora u roku od 3 meseca, o tom nesporazumu će rešavati arbitražno telo čiji će sastav i postupak usvojiti Ugovorne Strane.

(3) Odluka arbitražnog tela će biti doneta u skladu sa principima i u duhu Konvencije i biće konačna i obavezna.

ČLAN 39

U slučaju prestanka važenja ove Konvencije, sva stečena prava jednog lica u skladu sa njenim odredbama biće održana, a putem pregovora će se ustanoviti prava koja tada budu u toku sticanja na osnovu tih odredaba.

ČLAN 40

Ova Konvencija će biti ratifikovana i ratifikacioni instrumenti će biti razmenjeni u Beogradu što je moguće pre. Konvencija će stupiti na snagu prvog dana drugog meseca posle meseca u kome su razmenjeni ratifikacioni instrumenti.

ČLAN 41

Ova Konvencija ostaje u važnosti za vreme od jedne godine od dana njenog stupanja na snagu. Posle toga važnost iste će se produžavati iz godine u godinu osim ako se ne otkáže pismenim putem 3 meseca pre isteka ma kog takvog godišnjeg perioda.

U potvrdu čega dole potpisani su, propisno ovlašćeni od svojih Vlada, potpisali ovu Konvenciju.

Radjeno u dva primerka u Londonu na dan 24 maja 1958 godine na engleskom i srpsko-hrvatskom jeziku, čija su oba teksta jednako punovažna.

JOHN ARCHIBALD BOYD-CARPENTER.

ALLAN NOBLE.

Z. HAS.

IVO VEJVODA.

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