



# OLD-AGE PENSION FROM ZUS SUBJECT TO COMMUNITY COORDINATION

S o c i a l   I n s u r a n c e   I n s t i t u t i o n

Persons employed and covered by social insurance in Poland who reach the retirement age may acquire the right to the old-age pension from ZUS if they satisfy the requirements under the Law of 17 December 1998 on pensions from the Social Insurance Fund<sup>1</sup>. Information on eligibility requirements for ZUS old-age pensions as well as the rules governing calculation of benefits may be found in separate leaflets titled: *Old-age pension from the Social Insurance Fund* and *Old-age pension from the Social Insurance Fund awarded under the new rules*, which are available in each ZUS unit.

Persons concerned who have been also employed abroad in Member States of the European Union, European Economic Area or in Switzerland, or who reside or have resided in the territories of these states, may be covered by the Community coordination of social security schemes.

The EU regulations on coordination concern migrants for employment moving within the European Union (see: p. 2). These regulations are inter alia aimed at helping the aforementioned persons to acquire pension entitlements and to receive benefits under the legislation of Member States.



## Who is the leaflet addressed to?

The leaflet is addressed to **persons who exercise their right to move freely within the European Union, the European Economic Area or Switzerland and who:**

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<sup>1</sup> Journal of Laws (Dz.U.) of 2004 No 39, Text 353 with further amendments.

- reside abroad in the territories of Member States and claim a pension from ZUS on the basis of periods of coverage (employment or insurance) completed only under the legislation of Poland,
- reside in Poland or abroad in the territories of Member States or abroad in the territories of third states and claim a pension from ZUS on the basis of periods of coverage (employment or insurance) completed under the legislation of Poland as well as periods of coverage completed abroad in the territories of other Member States,
- reside abroad in the territories of Member States and apply for ZUS pension transfer to their place of residence.



### Which states are covered by the Community coordination of the social security schemes?

The Community coordination of the social security schemes covers **EU Member States**, that is: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Greece, Spain, the Netherlands, Ireland, Lithuania, Luxembourg, Latvia, Malta, Germany, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, Hungary, United Kingdom and Italy.

For coordination purposes also the non-EU States belonging to **the European Economic Area**: Iceland, Liechtenstein and Norway, as well as **Switzerland** are regarded as EU Member States. They have been covered by the Community regulations on coordination.

The aforementioned States are further referred to as „Member States”.



### Who takes advantage of the Community coordination in respect of old-age pensions?

Beneficiaries of the Community coordination of old-age pensions include the following:

- nationals of Member States (including Polish nationals),
- refugees, stateless persons (i.e. persons not being nationals of any of those States) and nationals of third States, i.e. non-Member States, if they reside in the territory of a Member State (however the coordination does not cover

nationals of third States resident in the territories of Denmark, Iceland, Norway, Liechtenstein or Switzerland).

Regulations on coordination concern persons who have been subject to insurance in Member States, pursuing widely conceived occupational activity – in particular as employees and self-employed persons, persons performing work on a basis of civil law contracts – or on a basis of other social insurance titles.



## Equal treatment

In accordance with the principle of equal treatment, a person covered by the Community coordination of social security schemes should be treated in each Member State as if he or she were a national of that Member State – both when claiming an old-age pension in that State and while receiving the awarded pension insurance benefit.

*It means e.g. that discrimination of a Polish national who claims pension insurance benefits in the United Kingdom, France or Sweden is prohibited.*



## Old-age pension for persons who have completed insurance periods under the legislation of Poland and insurance or residence periods abroad under the legislation of Member States

### ► Establishment of the old-age pension entitlement in each of Member States, where the person concerned was insured (or resided)

The European Union has not yet established any supranational scheme that would guarantee old-age pensions. Each of Member States independently defines persons eligible for an old-age pension after reaching the retirement age and satisfying the eligibility requirements.

A person employed and covered by social insurance in Poland who has also completed insurance or residence periods abroad under the legislation of Member States, **may be granted a pension both in Poland and in another Member State**, where s/he was insured (resident), if s/he satisfies the qualifying conditions for acquisition of the right to the pension under the legislation of these States.

*Thus if a pension claimant has completed employment (insurance) periods under the legislation of Poland and of other Member States, e.g. the Netherlands, Greece and Norway, the pension entitlement is established in parallel by insurance institutions of each of these States.*

In the event if the qualifying conditions for the pension have been satisfied in several Member States where the person concerned was covered by insurance, a pension may be received from several States.

### ► **Aggregation of foreign periods of coverage (insurance or residence) completed under the legislation of Member States**

Where a person applying for an old-age pension under the legislation of one Member State does not have sufficient periods of insurance (residence) to satisfy the requirements for entitlement to this benefit, the competent institution also takes into account (aggregates), for the purpose of establishing entitlement to the pension, periods of insurance (residence) completed by the person concerned under the legislation of all other Member States.

To establish the old-age pension entitlement ZUS will take into account foreign periods of insurance (residence) completed under the legislation of Member States if the pension entitlement depends on the length of insurance periods, and the insurance period completed only under the legislation of Poland is insufficient to acquire the right to the benefit.

*For example where a man aged 65 years, born before 1 January 1949, claims an old-age pension from ZUS, but does not have a 25-year period of insurance under the legislation of Poland (contributory and non-contributory period) required to be awarded the old-age pension under the Polish legislation, ZUS will also take into account (aggregate) periods of insurance (residence) that he has completed under the legislation of other Member States (e.g. Austria, Germany or Ireland) and will check if – after aggregation – the man satisfies the eligibility requirements for the Polish old-age pension.*

Foreign residence periods may be taken into account by ZUS for pension purposes only if the legislation of a Member State where such periods have been completed makes pension entitlement dependent on the period of residence in the territory of that State (as for example in Denmark or Sweden).

Insurance and residence periods completed abroad under the legislation of Member States are aggregated by ZUS in rate confirmed by a foreign social insurance institution of a given Member State, on EU form E 205.

The mentioned periods are not taken into account for the purpose of establishing the right to old-age pension from ZUS if the pension entitlement is independent of the length of periods of insurance (it concerns old-age pensions from the Social Insurance Fund awarded under the new rules to insured persons born after 31 December 1948, who satisfy the requirement of the retirement age, equal to 60 years for women and 65 years for men).

*Thus for example in the case of a man aged 66 years, born after 31 December 1948, who claims an old-age pension from ZUS under the new rules, where the entitlement is not dependent on the duration of periods of insurance but only on reaching the retirement age equal to 65 years for men, ZUS will not take into account foreign periods of coverage accumulated by this man under the legislation of other Member States (e.g. of Spain, Sweden or Germany).*

**► Determination of pro-rata old-age pension having recourse to foreign insurance or residence periods completed under the legislation of Member States**

Where entitlement to an old-age pension under the legislation of a given Member State is established taking into account foreign periods of insurance (residence) completed by a person concerned under the legislation of other Member States, the amount of the benefit is calculated in the following way:

- first, a competent institution of the State which has established pension entitlement must determine a theoretical (full) amount of the benefit which would be awarded if all periods of insurance (residence) were completed under the legislation of that State,
- subsequently, based on the theoretical amount, the competent institution must determine an actual amount of the pro-rata benefit based on the ratio of periods of insurance (residence) accumulated under the legislation of the State which has established the entitlement to the sum of all periods of insurance (residence) under the legislation of all Member States concerned.

The pro-rata old-age pension, calculated in this way, is the benefit which is due to the person concerned.

The amount of the old-age pension, dependent on the length of insurance periods, payable by ZUS is calculated under the aforementioned principles to persons whose entitlement was established taking into account foreign periods of insurance (residence) completed under the legislation of Member States or whose benefit would be higher after aggregating foreign periods to calculate the pension.

The theoretical (full) amount of the pension is established in the above described case taking into consideration the following components:

- 24% of the base amount,
- 1.3% of the basis of assessment for each full contributory year completed under the legislation of Poland and abroad under the legislation of Member States – taking into account full months,
- 0.7% of the basis of assessment for each full non-contributory year completed under the legislation of Poland and abroad under the legislation of Member States – taking into account full months.

Then, based on the theoretical (full) amount of the old-age pension, calculated under the aforementioned principles, an actual amount is calculated – a pro-rata old-age pension payable by ZUS, corresponding to the ratio between the duration of insurance periods completed under the legislation of Poland and the total duration of insurance (residence) periods completed under the legislation of Poland and abroad under the legislation of other Member States.

*For example, if ZUS has determined an old-age pension for a man born before 1 January 1949 based on 15 years of Polish insurance periods, taking into consideration 10 years of insurance under the legislation of Belgium, the Polish old-age pension will be calculated in the following way:*

- *first, ZUS will determine a theoretical (full) benefit which would be awarded to the person concerned if all periods of insurance (25 years under the legislation of Poland and of Belgium) were completed under the legislation of Poland,*
- *subsequently, based on the theoretical amount, ZUS will determine the actual amount of pro-rata benefit corresponding to the ratio of Polish periods of insurance to the sum of periods of insurance under the legislation of Poland and of Belgium; in the described case it will be 15/25 of the theoretical amount, because the person concerned has accumulated 15 years of insurance periods under the legislation of Poland, and a total of 25 years of insurance periods under the legislation of Poland and of Belgium. In effect the person concerned will be awarded the pro-rata old-age pension determined in this way.*

The above mentioned principles are not applicable to old-age pensions awarded under the new rules, where the entitlement and amount are not dependent on the duration of periods of insurance. **The pension amount is based only on insurance periods completed under the legislation of Poland**, without consideration of foreign insurance (residence) periods completed under the legislation of other Member States.

*If an old-age pension is granted by ZUS under the new rules to a 60-year old woman born in 1949, affiliated to the Open Pension Fund, who has completed a 5-year insuran-*

*ce period under the legislation of Poland, as well as a 10-year insurance period in Sweden and a 2-year insurance period in Ireland, ZUS will determine the amount of the benefit based only on the periods of insurance accumulated in Poland.*

**► Calculation of amount of an old-age pension established without consideration of foreign insurance or residence periods completed under the legislation of Member States**

Where entitlement to an old-age pension under the legislation of a given Member State depends on the length of insurance periods, but in a given case foreign insurance (residence) periods completed under the legislation of other Member States need not be taken into consideration to establish the pension entitlement, the pension amount will be based only on insurance (residence) periods completed under the legislation of the State which has established the entitlement to the benefit (the so called national pension), without consideration of foreign periods of coverage accumulated in other Member States.

However, in this case the competent institution also determines pension amount that would be awarded on the basis of aggregated periods of insurance (residence) completed under the legislation of Member States (a pro-rata pension), and – if it is higher than the amount of the national pension calculated only on the basis of insurance periods completed under the legislation of the State which has established the entitlement to the benefit – the person concerned will be awarded the pro-rata pension.

*If an old-age pension is granted to a woman born before 1 January 1949, who has accumulated a 20-year period of insurance under the legislation of Poland (which is sufficient to acquire the right to such pension), but also a 2-year insurance (residence) period under the legislation of Sweden and a 3-year insurance period under the legislation of the United Kingdom, ZUS will determine the benefit amount in the following way:*

- *on the one hand it will determine the national pension – based only on the periods of insurance under the legislation of Poland, equal to 20 years,*
- *on the other hand it will determine a pro-rata pension – on the basis of aggregated insurance (residence) periods completed under the legislation of Poland, Sweden and the United Kingdom, equal to 25 years; that is first it will calculate a theoretical (full) amount of the pension on the basis of aggregated 25-year period of insurance (residence) completed under the legislation of three mentioned Member States, and subsequently it will calculate the pro-rata pension, which in the described case equals to 20/25 of the theoretical amount,*
- *subsequently ZUS will compare amounts: of the national pension and the pro-rata pension and will determine the benefit in amount more favourable to the person concerned.*

The above mentioned principles also apply to establishment of an old-age pension awarded by ZUS under the new rules, where the entitlement is not dependent on the length of periods of insurance, but the amount depends on these periods (it concerns an old-age pension from the Social Insurance Fund awarded under the new rules for insured persons born after 31 December 1948, who are not members of Open Pension Funds and who will reach the retirement age in the years 2009-2013).

► **Determination of a supplement intended to bring the old-age pension up to the Polish minimum old-age pension for persons eligible for the old-age pension from the Social Insurance Fund, who reside in the territory of Poland, but have completed periods of insurance under the legislation of Poland and foreign insurance or residence periods completed under the legislation of Member States**

Persons who reside in the territory of Poland, receiving an old-age pension from Poland and an old-age or disability pension from other Member States, in total amount lower than the minimum old-age pension under the Polish legislation, may be awarded a supplement intended to bring their benefit up to the level of the statutory minimum.

The rules for determining the mentioned supplement by ZUS are different for old-age pensions awarded under earlier principles, where both an entitlement to and an amount of the benefit depended on the duration of insurance periods, and for old-age pensions under the new rules which depend on the resources accumulated on the pension account of the insured person.

The supplement to the benefit awarded under the earlier rules to bring the benefit up to the level of the Polish minimum old-age pension, is granted by ZUS, if the pensioner resides in the territory of Poland, and his or her benefit has been determined in pro-rata amount, based on the ratio of Polish insurance periods to the sum of Polish and foreign periods of insurance or residence completed under the legislation of Member States. The supplement is equal to a difference between the amount of the minimum Polish old-age pension and an aggregated amount of the Polish old-age pension and the foreign old-age or disability pension received by the person concerned.

And the old-age pension awarded from the Social Insurance Fund under the new rules, whose amount is lower than the minimum Polish old-age pension, must be brought up to the level of the minimum Polish old-age pension under the condition that the person concerned will prove the required insurance (contributory and non-contributory) periods under the legislation of Poland, equal to 20 years for women and 25 years for men.

If a person who resides in the territory of Poland satisfies the requirement of periods of coverage – 20 years for women and 25 years for men – only after taking into account periods of insurance or residence completed under the legislation of Member States, the supplement will amount to: a difference between the amount of the minimum Polish old-age pension and an aggregated amount of the Polish old-age pension and foreign old-age or disability pension received by the person concerned.

*For example, a 60-year old woman, born in 1949, who resides in the territory of Poland, and has accumulated a 10-year period of insurance under the legislation of Poland and a 15-year period of insurance under the legislation of Italy, has been granted by ZUS an old-age pension from the Social Insurance Fund under the new rules, determined in amount lower than the minimum Polish old-age pension. She will receive a supplement to bring the benefit up to the level of the Polish minimum old-age pension. The supplement will amount to a difference between the amount of the minimum Polish old-age pension and an aggregated amount of the Polish and Italian old-age pension received by the person concerned.*

If a person concerned who resides in the territory of Poland, has accumulated periods of insurance in Poland and periods of insurance or residence abroad, completed under the legislation of Member States, of total duration of at least 20 years for women and 25 years for men, and was awarded by ZUS an old-age pension from the Social Insurance Fund under the new rules in amount lower than the minimum Polish old-age pension, and if this person is also entitled to a periodic funded pension<sup>2</sup>, a supplement to bring the benefit up to the level of the Polish minimum old-age pension will be equal to a difference between the amount of the minimum Polish old-age pension and an aggregated amount of the „new” old-age pension from the Social Insurance Fund, periodic funded pension and the old-age or disability pension determined on the basis of foreign periods of insurance or residence completed under the legislation of Member States.

### ► **Periods of insurance or residence of less than one year**

Where a person concerned has accumulated in one or more Member States insurance (residence) periods equal – in each of these States – to less than one year, no pension entitlement is established in these States if the legislation of a given State does not provide for awarding the old-age pension in respect of so short insurance (residence) period. However this period is not lost because

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<sup>2</sup> See: the leaflet titled: *Periodic funded pension payable from the resources of the Open Pension Fund*, ZUS, Warsaw 2009.

if a competent institution of another Member State awards the pension, it will be obliged to aggregate also such short foreign period when calculating the amount of own benefit.

This rule is applicable to calculate an old-age pension from ZUS, whose amount depends on the length of insurance periods. It means that when calculating such old-age pension ZUS will also take into account (aggregate) a foreign period of insurance (residence) of less than one year, completed under the legislation of a Member State, not giving any entitlement to the benefit under the national legislation of that State, and will pay the benefit for that period.

*Thus, if an old-age pension claimant, beside employment (insurance) periods under the legislation of Poland, has also completed a period of insurance of less than one year under the legislation of Lithuania, not giving any entitlement to the benefit under the national legislation of Lithuania, in the event of awarding the old-age pension under the legislation of Poland ZUS will take into consideration also the Lithuanian insurance period to calculate the amount of the benefit.*

In the event of the old-age pension from the Social Insurance Fund awarded under the new rules, whose amount is independent of the length of insurance periods, this rule is applicable only to determine the initial capital on the basis of periods completed before 1 January 1999.



## **The basis for calculating the old-age pension under the old rules for persons who have accumulated – apart from the Polish periods of insurance – also foreign insurance or residence periods completed under the legislation of Member States**

The old-age pension from ZUS, whose amount depends on the length of insurance periods – for persons who have accumulated – apart from the Polish periods of insurance – also foreign insurance or residence periods under the legislation of other Member States – is calculated based on an average basis for assessment of a contribution to pension insurance (before 1 January 1999 – to social insurance), pursuant to the Polish legislation, from the period of 10 consecutive calendar years selected by the person concerned from the recent 20 calendar years directly preceding the year when the person concerned filed a pension claim. The mentioned 10 calendar years are determined without consideration of years when the person concerned was covered (for the full year) by insurance abroad in Member States.

If in the period of 20 calendar years directly preceding the year when the person concerned filed a pension claim, the mentioned person was not covered by insurance under the legislation of Poland, an amount of the old-age pension is based on an average basis for assessment of a contribution to pension insurance (before 1 January 1999 – to social insurance) pursuant to the Polish legislation, from the period of 10 consecutive calendar years directly preceding the year when the person concerned for the first time joined insurance abroad in a Member State.

On the request of the person concerned an amount of the old-age pension may be also based on an average basis for assessment of a contribution to social insurance, pursuant to the Polish legislation, from the period of 20 calendar years, preceding the year when the person concerned filed a pension claim, selected from the whole period of coverage by the social insurance in Poland.



### **The basis for calculating the old-age pension from SIF under the new rules for persons who have accumulated – apart from the Polish periods of insurance – also foreign periods of insurance or residence completed under the legislation of Member States**

The old-age pension from the Social Insurance Fund under the new rules is the quotient resulting from dividing the calculation basis by average life expectancy<sup>3</sup> for persons in the age equal to the retirement age of the claimant.

The calculation basis of the old-age pension awarded under the new rules to persons who have accumulated – apart from the Polish periods of insurance also foreign insurance or residence periods completed under the legislation of other Member States – will be calculated on the basis of the amount of the indexed initial capital and the amount of contributions paid to the old-age pension insurance in Poland after indexation, recorded on individual account of the person insured by the end of the month preceding the starting date of payment of the pension.

Foreign insurance or residence periods completed under the legislation of other Member States are in this case taken into account only to determine the

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<sup>3</sup> Life expectancy tables – taking into consideration average life expectancy, the same for women and men, expressed in months for the insured person's age – are published on an annual basis by the President of the Central Statistical Office in the Official Journal, in a form of an announcement.

initial capital for the purpose of calculating the old-age pension under the new rules, if these periods are shorter than 1 year, thus not giving any entitlement to the foreign benefit under the legislation of States where those periods have been completed.



## **Special rules for establishing old-age pensions under the Polish-German Convention of 1975**

In Polish-German relations, beside the Community regulations governing the coordination of social security schemes, the Polish-German Convention of 1975 on old-age and work-injury provisions is still in force.

Under the provisions of this Convention, pension insurance benefits (including old-age pensions) for persons who have completed insurance periods also under the legislation of the other State-Party before 1 January 1991 and who have not moved to the other State-Party after 31 December 1990, are determined by the social insurance institution of only one State, i.e. the State of residence (Poland or Germany respectively). This institution takes over a burden of financing benefits for the aforementioned insurance periods completed in the other State.

If the pensioner has moved to the other State-Party to the Convention or to the other country after 31 December 1990, his old-age pension is re-established in both States: in Poland and in Germany. It may result in establishment of the pension entitlement in each of these States based only on its own insurance periods – in full amount, or based on aggregated insurance periods completed under the legislation of both States – in pro-rata amount, taking into account the ratio between the duration of own insurance periods and the total duration of insurance periods completed under the legislation of Poland and of Germany.



## **Old-age pension for persons residing in the territory of Member States other than Poland who have accumulated only Polish insurance periods**

Where a pension claimant has accumulated only periods of insurance (employment) under the Polish legislation but resides abroad in the territory of another Member State, old-age pension entitlement is established only by ZUS.

The mentioned person may be granted the old-age pension in Poland if he or she satisfies the requirements under the Polish legislation.



## Where to file a pension claim?

A person who has completed periods of insurance (residence) under the legislation of more than one Member State should file a pension claim with an insurance institutions of **one Member State**. It means that it is not necessary to file a separate application in each State.

Such application automatically triggers off **the procedure of pension entitlements investigation** in all Member States, where the person concerned was covered by insurance, and the date of the application is binding upon the institutions of all concerned Member States.

- A person concerned who **resides in the territory of Poland** and has accumulated periods of insurance in Poland and in other Member States, should file his or her pension claim with the Polish social insurance institution (ZUS, KRUS or a pension body of the so called uniformed services).
- A person concerned who **resides abroad in the territory of a Member State** and has accumulated periods of insurance in Poland and periods of insurance or residence abroad under the legislation of other Member States, including the State of residence, should file his or her pension claim with the social insurance institution competent for old-age pensions in the State of residence.
- A person concerned who **resides abroad in the territory of a Member State** where s/he has not completed any periods of insurance (residence), but has completed periods of insurance under the legislation of Poland and periods of insurance or residence abroad under the legislation of other Member States, should file his or her pension claim with the social insurance institution competent for old-age pensions in the State where s/he has recently completed insurance (residence) periods. The pension claim may be also filed through the social insurance institution of the State of residence of the person concerned, which will deliver it to the competent institution.
- A person concerned who **resides abroad in the territory of a Member State** and has completed periods of insurance only under the legislation of Poland,

should file his or her application with a Polish institution competent to examine the pension claim in Poland. The pension claim may be also filed through the social insurance institution of the State of residence of the person concerned, which will deliver it to the competent Polish institution. The date of filing the application with a foreign institution will be in this case binding upon the Polish institution.

Where a claim for an old-age pension subject to Community coordination is filed with a foreign institution of a Member State, the said institution is obliged inter alia to complete the application for a pension to be awarded under the Polish legislation and to transmit it to the competent institution in Poland.

Where a claim for an old-age pension subject to Community coordination should be investigated in Poland, it is necessary to identify a Polish institution competent for a given case.

The pension claim is examined by ZUS if the person concerned was **employed or self-employed (ran a business outside agriculture)** in the territory of Poland.

But ZUS is not always competent to examine the application. It is not competent to investigate claims for old-age pensions with regard to persons who were covered in Poland by the social insurance scheme for farmers, pension schemes for uniformed services or judges and public prosecutors. However, ZUS investigates pension claims:

- filed by persons who have accumulated periods of insurance in Poland as persons employed and self-employed outside agriculture and as farmers, if the last Polish period was the period of insurance as a person employed and self-employed outside agriculture,
- filed by persons who claim an old-age pension as an officer of the so called uniformed services (e.g. professional soldiers, officers of the Police, State Fire Service), whose periods of service do not give the right to the old-age pension from the pension scheme of the „uniformed services”.

If ZUS is recognized as the competent institution, pension entitlement is established by one of six local ZUS bodies designated to deal with pension issues subject to Community coordination, i.e.:

- **I ZUS Branch in Łódź** – Division for Implementation of International Agreements (Zamenhofa 2, 90-431 Łódź, tel. +48 42 638-29-67) – competent for persons who have accumulated Polish and foreign insurance periods, of which recently completed under the legislation of Cyprus, Greece, Spain, Malta, Portugal or Italy, or have completed only Polish insurance periods and reside in the territory of one of the mentioned States;

- **ZUS Branch in Nowy Sącz** – Division for Implementation of International Agreements (Węgierska 11, 33-300 Nowy Sącz, tel. +48 18 443 78 48, +48 18 443 54 46 ext. from 3302 to 3323) – competent for persons who have accumulated Polish and foreign insurance periods, of which recently completed under the legislation of Czech Republic or Slovakia, or have completed only Polish insurance periods and reside in the territory of one of the mentioned States;
- **ZUS Branch in Tarnów** – Division for Implementation of International Agreements (Kościuszki 32, 33-100 Tarnów, tel. +48 14 621 43 71 to 74 ext. 306, 362, 458, 459, 461) – competent for persons who have accumulated Polish and foreign insurance periods, of which recently completed in Austria, Liechtenstein, Slovenia, Hungary or Switzerland, or have completed only Polish insurance periods and reside in the territory of one of the mentioned States;
- **ZUS Branch in Opole** – Division for Implementation of International Agreements (Wrocławska 24, 45-701 Opole, tel. +48 77 451 16 81, +48 77 451 17 58, +48 77 451 17 61) – competent for persons who have accumulated Polish and foreign insurance periods, of which recently completed under the legislation of Germany, or have completed only Polish insurance periods and reside in the territory of Germany;
- **ZUS Branch in Szczecin** – Division for Implementation of International Agreements (Matejki 22, 70-530 Szczecin, tel. +48 91 459 65 24) – competent for persons who have accumulated Polish and foreign insurance (residence) periods, of which recently completed under the legislation of Denmark, Estonia, Finland, Iceland, Lithuania, Latvia, Norway or Sweden, or have completed only Polish insurance periods and reside in the territory of one of the mentioned States;
- **I ZUS Branch in Warsaw** – Division for Implementation of International Agreements (Kasprowicza 151, 01-949 Warszawa, tel. +48 22 569 36 04) – competent for persons who have accumulated Polish and foreign insurance (residence) periods, of which recently completed under the legislation of Belgium, Bulgaria, France, the Netherlands, Ireland, Luxembourg, Romania or United Kingdom, or have completed only Polish insurance periods and reside in the territory of one of the mentioned States.

A person concerned who resides in the territory of Poland may file the pension claim **directly** with one of aforementioned ZUS bodies that is a competent in a given case, **or through the nearest ZUS body in his or her place of residence.**

The above described rules for filing pension claims apply respectively to claims for periodic funded pension, payable from the resources of the Open Pension Fund, collected by insured persons born after 31 December 1948. Information on the requirements to be met to be awarded such pension has been provided in the aforementioned leaflet titled: *Periodic funded pension payable from the resources of the Open Pension Fund*.

Filing a claim for a periodic funded pension means the concurrent application for determining by ZUS of the old-age pension from the Social Insurance Fund under the new rules and the periodic funded pension.



## How to draw up a pension claim addressed to ZUS?

If the pension claim is filed with ZUS, it must be drawn up pursuant to the Polish legislation. It may be filed on form ZUS Rp-1E (*A claim for an old-age pension*), which must be accompanied with:

- EU form E 207 PL (*Certificate concerning the insured person's insurance history*) – completed in item 7 (information related to all insurance periods completed under the legislation of individual Member States) and legibly signed by the claimant,
- documents justifying the right to Polish benefits and enabling calculation of their amount (such as: insurance cards, employment certificates, certificates ZUS Rp-7, excerpts of registry office records, relevant medical documentation),
- documents proving insurance (employment) periods under the legislation of Member States other than Poland, numbers of foreign insurance, names and addresses of employers and other information helping to identify foreign institutions where the claimant was insured.



## Appeals against ZUS decisions in pension issues filed by persons who reside abroad in the territories of Member States

Appeals against ZUS decisions in pension issues are filed with a competent Court for Labour and Social Insurance through ZUS pension body

which has issued a decision, within one month from the day of receipt of the decision.

Persons who reside abroad in the territories of Member States may file an appeal against ZUS decision – within the above mentioned time limit – also through the social insurance institution of the State of residence, which will deliver the appeal to a competent ZUS unit.



## Payment of the old-age pension by ZUS to a person who resides abroad within the territory of a Member State

ZUS benefit for an eligible person who resides abroad in the territory of a Member State may be paid, depending on instructions given to ZUS:

- in Poland (to bank account of the pensioner or to an authorized person who resides in the territory of Poland), or
- in the State of residence (to pensioner's foreign bank account).

A pension awarded by ZUS may be transferred to the person residing in the territory of other Member State, at his or her request, to pensioner's place of residence. An application for pension transfer to the State of residence may be filed with ZUS branch which has awarded or has been earlier paying the benefit. The case is transmitted to **one of six local ZUS bodies designated to deal with pension issues subject to Community coordination**. An application for pension transfer may be also filed with a competent, designated ZUS body.

The above described rules apply to payment of periodic funded pension from the resources of the Open Pension Fund, which is payable together with the old-age pension from the Social Insurance Fund awarded under the new rules.

A pension is payable on a monthly basis on a day fixed in ZUS decision as the date of benefit's payment. If the pension amount transferred abroad to the pensioner's place of residence in the territory of a Member State is lower than the minimum pension under the Polish legislation, its payment may be carried out on other than monthly basis (e.g. on a quarterly basis). If the Polish old-age pension is transferred to another Member State, the date of bank transfer is considered as the date of payment.

Pensions are transferred to beneficiaries who reside abroad without deduction – pursuant to the tax legislation – of advance payment to the personal in-

come tax in Poland (in gross amount) or after deduction of advance payment to the personal income tax in Poland (in net amount) subject to the provisions of an international agreement to avoid double taxation concluded by Poland with the beneficiary's State of residence.

Should the National Health Fund issue to a pensioner residing in the territory of other Member State a certificate on form E 121 PL, confirming his or her right to health care benefits in this State at the expense of the National Health Fund, the pension is transferred after deduction by ZUS of the health insurance contribution. The mentioned contribution is transferred to the NHF.

More detailed information related to healthcare benefits in kind for persons covered by the Community coordination is available in a competent NHF branch or in NHF headquarters.



### **Impact of earnings from activity carried out abroad in the territory of Member States on the entitlement to and amount of the old-age pension received from ZUS**

Pensioners are obliged to notify ZUS of earnings and other incomes from activity carried out abroad. The level of such incomes may affect the due amount of ZUS pension. If the amount of foreign incomes exceeds:

- 70% of average monthly earning under the Polish legislation but is not higher than 130% of this earning – the pension is subject to reduction,
- 130% of average monthly earning under the Polish legislation – the pension is suspended.

These rules are not applicable to pensioners who have reached the age of 60 years – for women, 65 years – for men.



### **Impact of foreign pensions on the entitlement to and amount of the old-age pension received from ZUS**

The fact that a person with established entitlement to ZUS pension has also acquired the pension from a Member State other than Poland does not result in reduction in or suspension of the right to pension from ZUS.



## Pensioners' obligations towards ZUS

Pensioners are under obligation to notify ZUS body which is the payer of their benefits of any circumstances affecting their pension entitlement or payment. These circumstances include in particular: changes in personal data (e.g. name, surname) and address data, change in place of residence, changes in a number of bank account, undertaking employment or other gainful activity, the fact of receiving income resulting in benefit reduction or suspension (applicable both to income from activity carried out in the territory of Poland and abroad).

ZUS pensioners are under obligation – on demand of the pension body – to certify with their own signature further entitlement to the benefit. ZUS body, which pays benefits to persons who reside abroad, periodically sends to pensioners a form titled *Certificate of life and residence of the pensioner* to be completed and sent back to ZUS.

The form should be completed and signed by the pensioner him/herself. If the pensioner is not able to sign it personally, the form should be signed by a person who actually takes care of the beneficiary. In both cases the signature should be certified by a competent body or an authorized person in the place of residence of the mentioned persons or by an authorized person in a Polish diplomatic or consular post.



## How to obtain more information?

- This leaflet contains general information. More detailed data are available at:
- the nearest local body of ZUS,
  - ZUS website: [www.zus.pl](http://www.zus.pl),
  - local ZUS bodies designated to deal with pension issues subject to Community coordination, i.e. in I Branch in Łódź, Branch in Nowy Sącz, Branch in Tarnów, Branch in Opole, Branch in Szczecin and I Branch in Warsaw,
  - Foreign Pensions Department in ZUS Headquarters, playing the role of the liaison body in pension issues subject to Community coordination, which cooperates with foreign liaison bodies of Member States (Senatorska 10, 00-082 Warszawa, tel. +48 22 826-05-53, e-mail: [drz@zus.pl](mailto:drz@zus.pl)).



## Basic EU legal acts governing the co-ordination of social security schemes

- Council Regulation (EEC) No. 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ No. L 149 of 5.07.1971, with further amendments).
- Council Regulation (EEC) No. 574/72 of the Council of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No. 1408/71 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ No. L 74 of 27.03.1972, with further amendments).
- Council Regulation (EC) No. 859/03 of 14 May 2003 extending the provisions of Regulation (EEC) No. 1408/71 and Regulation (EEC) No. 574/72 to nationals of third countries who are not already covered by those provisions solely on the ground of their nationality (OJ No. L 124 of 20.05.2003).

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