



SURVIVOR'S PENSION FROM ZUS IN THE LIGHT OF THE EUROPEAN UNION LAW

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

Survivors of a deceased person who has been employed and covered by social insurance in the territory of Poland may acquire the right to survivors' pensions payable by ZUS if they satisfy the requirements under the Law of 17 December 1998 on pensions from the Social Insurance Fund¹ (hereinafter referred to as „the Pension Law”). Information on qualifying conditions for ZUS survivor's pension as well as the rules governing calculation of its amount may be found in a separate leaflet titled: *Renta rodzinna* (Survivor's pension), which is available in each ZUS units and at a website: www.zus.pl.

If the deceased person has been employed not only in Poland, but also abroad in other Member States of the **European Union, European Economic Area or in Switzerland**, or if a survivor's pension claimant resides in the territory of one of those States, the rules for the EU coordination of social security systems are applicable to the survivor's pension.



Who is the leaflet addressed to?

The leaflet is addressed to persons who:

- claim a survivor's pension as survivors of a person who has completed employment (insurance) periods in Poland as well as insurance or residence periods abroad under the legislation of Member States (see: p. 2),
- reside abroad in the territories of Member States and claim the survivor's pension as the survivors of a person who has accumulated employment (insurance) periods only in Poland,
- reside abroad in the territories of Member States and are interested in receiving the survivor's pension awarded by ZUS in their State of residence.

¹ Journal of Laws (Dz.U.) of 2004 No. 39, Text 353 as amended.



Information contained in the leaflet does not relate to survivors' pensions in respect of accidents at work or occupational diseases because coordination of these benefits is based on different rules.



Which States are covered by the EU co-ordination of social security systems?

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

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

All the aforementioned States are further referred to as the „Member States”.



Who takes advantage of the EU coordination in the field of survivors' pensions?

Beneficiaries of the EU coordination of survivors' pensions include, in particular, **persons entitled to survivors' pensions** pursuant to the Pension Law – including children, spouse, parents – who meet the following requirements:

- are the nationals of Member States, or refugees or stateless persons (i.e. persons not being nationals of any of those States), reside in the territory of Member States and claim pensions as the survivors of migrants for employment moving within the territories of Member States (irrespective of migrants' nationality),
for example a Pole claiming a survivor's pension after the death of an Ukrainian national who prior to his death has been employed and insured successively in Poland, Sweden and Ireland;
- claim survivors' pensions after the death of nationals of Member States (including Polish nationals) and after the death of refugees or stateless persons residing in the territories of Member States, migrating for employment within the territories of Member States (irrespective of the nationality of pension claimants),
e.g. a Russian man claiming the survivor's pension after the death of a Polish national who prior to her death has been employed and insured successively in Poland, in the Netherlands and in the United Kingdom;

- reside in a Member State and claim the survivor's pension after the death of nationals of third States, i.e. non-Member States (e.g. nationals of Ukraine), migrating for employment within the territories of Member States and residing before their death in one of UE Member States, excluding Denmark (irrespective of the nationality of pension claimants),

e.g. a Canadian residing in France, claiming a survivor's pension after the death of an Israeli national who before her death resided in France and has been employed and insured successively in Poland, in Spain and in France.

Regulations on coordination concern pension claimants being the survivors of 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.

Thus, the EU coordination in the field of survivors' pensions covers e.g. a widow claiming the pension after the death of her husband who has been subject to social insurance in Ireland as a worker, then in Poland as a freelancer, and later in Spain as a self-employed person.



Equal treatment

In accordance with the principle of equal treatment, a person covered by the EU coordination of social security systems should be treated in each Member State as if he/she was a national of that Member State – both when claiming the survivor's pension in that State and while receiving the awarded benefit.



Survivor's pension after the death of a person who has completed periods of insurance in Poland as well as insurance or residence periods abroad under the legislation of Member States

The European Union has not yet established any supranational system that would guarantee survivors' pensions. Each of Member States independently decides which persons are eligible for a survivor's pension after satisfying the qualifying conditions.

Pensions are acquired independently in each Member State. A survivor of a person who has been employed and insured in Poland and in other Member States, **may acquire the survivor's pension both from Poland and from another Member State** where the deceased person has been insured, after satisfying the qualifying conditions for the

acquisition of the right to the pension under the legislation of these States (information on qualifying conditions for ZUS survivors' pensions may be found in a separate leaflet titled: *Renta rodzinna* (Survivor's pension), which is available in each ZUS unit and at a web-site: www.zus.pl).

If the person deceased has been employed before his or her death also abroad in the territories of Member States, his or her survivors claiming the pension are covered by the EU coordination of social security systems.

► **Establishment of the pension entitlement in each of the Member States where the deceased person has been insured or has resided**

If the deceased person has been employed and covered by social insurance before his or her death in Poland and in the territories of other Member States, the right to the survivor's pension **may be acquired by his or her survivors both in Poland and in other Member States** where the person concerned has been insured, if the qualifying conditions for the award of the pension under the legislation of these States are met.

Thus if the survivor's pension is claimed by a widow of a person insured (or a ZUS pensioner) who has completed employment (insurance) periods in Poland, in Spain and in Germany, the pension entitlement is established in parallel by insurance institutions of each of these States. Having satisfied these requirements the woman concerned may be granted a separate survivor's pension from each of these States.

To acquire the right to survivor's pension from ZUS, the following qualifying conditions laid down in the Polish legislation must be satisfied:

- regarding the deceased person – it is required that the deceased person's entitlement to an old-age or disability pension has been established before his or her death or that he or she has satisfied the qualifying conditions for the award of one of these benefits,
- regarding the survivor's pension claimant – the pension claimant should satisfy the qualifying conditions e.g. in terms of age, incapacity for work or other requirements related to the family member, listed in the Pension Law and described in the aforementioned leaflet titled: *Renta rodzinna* (Survivor's pension).

► **Aggregation of foreign insurance or residence periods**

As mentioned above, the survivors' pension is awarded if the deceased person's entitlement to an old-age or disability pension has been established before his or her death or if he or she has satisfied the qualifying conditions for the award of one of these benefits.

Where the deceased person has not completed sufficient periods of insurance (residence) to meet in a given Member State the qualifying conditions for the entitlement to the benefit (old-age or disability pension), which served as a basis to establish the survivor's pension, the competent institution also takes into consideration (aggregates)

foreign periods of insurance (residence) completed by the deceased person in all other Member States.

Aggregation of insurance or residence periods completed by the deceased person is necessary to investigate his or her entitlement to benefits which depends on the length of the period of coverage. It means that to award the survivor's pension we aggregate Polish and foreign periods only when we check if the deceased person has satisfied the qualifying conditions for:

- the old-age pension, dependent on the length of contributory and non-contributory periods (the pension from the earlier pension scheme for persons born before 1 January 1949, or early retirement pension for persons born after 31 December 1948 but before 1 January 1969), or
- the disability pension (excluding a disability pension in respect of accident at work).

Thus if e.g. a widower and a child claim a survivor's pension from ZUS after the death of a woman who has not accumulated insurance periods in Poland (contributory and non-contributory) sufficient to be awarded the disability pension, ZUS will take into consideration (aggregate) also foreign periods of insurance (residence) completed by the deceased woman in other Member States (e.g. Spain, Germany, Sweden or Portugal) and will check if, after aggregating foreign insurance (residence) periods, she would meet the qualifying conditions for the entitlement to the disability pension, and in result – if the widower and the child may be awarded the survivor's pension in Poland.

Foreign residence periods may be taken into consideration (aggregated) by ZUS for pension purposes only if the legislation of a State where the deceased person resided makes pension entitlement dependent on the period of residence in its territory (as for example in Denmark or Sweden).

► Calculation of amount of a survivor's pension established with consideration of foreign periods

Where entitlement to a pension under the legislation of a given Member State is established taking into consideration foreign periods of insurance (residence) completed by a deceased person 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 determines a theoretical (full) amount of the pension which would be awarded to a person concerned if all periods of insurance (residence) were completed by the deceased person under the legislation of that State,
- subsequently, based on the theoretical amount, the competent institution calculates the actual amount of the pro-rata benefit corresponding to the ratio of insurance periods completed in the State which has established the entitlement to the total of all insurance periods completed in all Member States concerned.

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

When establishing the survivor's pension for a widow ZUS found out that the deceased husband satisfied at the moment of death the qualifying conditions for the award of the disability pension, based on the insurance periods completed in Poland (3 years) and in Spain (4 years). In such case the survivor's pension will be calculated in the following way:

- *first, ZUS will determine a theoretical (full) amount of the benefit which would be awarded to the widow if all periods of insurance of the deceased person (7 years in Poland and in Spain) were completed in Poland,*
- *subsequently, based on the theoretical amount, ZUS will determine the actual amount of the pro-rata benefit corresponding to the ratio of Polish insurance periods to the total of insurance periods under the legislation of Poland and of Spain; in the described case it will be 3/7 of the theoretical amount, because the deceased husband has accumulated 3 years of insurance in Poland, and a total of 7 years of insurance in Poland and in Spain. ZUS will award such pro-rata survivor's pension.*

► **Calculation of amount of a pension established without consideration of foreign insurance or residence periods of the deceased person**

Where the deceased person's entitlement to an old-age or disability pension, or to an old-age pension from the earlier functioning pension scheme (dependent on the length of contributory and non-contributory periods) has been established before his or her death, or where he or she has satisfied the qualifying conditions for the award of one of these benefits, based on the insurance periods completed under the Polish legislation, which means that to acquire the right to the survivor's pension no foreign insurance or residence periods completed by the deceased person in other Member States were needed – the amount of the survivor's pension is calculated only on the basis of insurance periods completed in Poland (national pension), without consideration of foreign periods of coverage accumulated in other Member States.

However, in this case the competent institution additionally calculates pension amount that would be awarded on the basis of aggregated periods of insurance (residence) completed by the deceased person (a pro-rata pension). If it is higher than the amount of the national pension calculated only on the basis of insurance periods completed in Poland (national pension) – the person concerned will be awarded the pro-rata pension.

For example if ZUS awards the survivor's pension to a child of a deceased woman who has accumulated a 21-year period of insurance in Poland, but also a 4-year insurance period in Austria and a 3-year insurance period in Germany, it will determine the benefit amount in the following way:

- on the one hand it will calculate the national pension – based only on the insurance periods completed by the deceased woman in Poland, equal to 21 years,
- on the other hand it will calculate the pro-rata pension – on the basis of aggregated insurance periods of the deceased woman in Poland, in Austria and in Germany, equal to 28 years, i.e. first it will calculate a theoretical amount of the pension on the basis of aggregated 28-year period of insurance completed by the deceased woman in three mentioned Member States and subsequently it will calculate the pro-rata pension, which in the described case equals 21/28 of the theoretical amount,
- finally ZUS will compare amounts of benefits calculated in both variants and will award the pension in amount, which is more favourable to the child.

The described rule concerns the situation where the deceased person has been receiving or has satisfied the qualifying conditions for the receipt of the disability pension or the old-age pension from the earlier functioning pension scheme, where the right to benefit and its amount depended on the length of contributory and non-contributory periods. The situation is different where the deceased person has been receiving the so called „new” old-age pension from the reformed scheme or has satisfied qualifying conditions for its receipt.

► **Calculation of amount of the survivor’s pension after the death of a person entitled to or satisfying the conditions for the so called „new” old-age pension from the reformed scheme**

As mentioned above, the survivors’ pension is awarded if the deceased person’s entitlement to an old-age or disability pension has been established before his or her death or if he or she has satisfied qualifying conditions for the award of one of these benefits.

In the case of the deceased person who has been covered by the reformed old-age pension scheme, the qualifying conditions for the acquisition of the right to the pension from ZUS do not include the necessity of completing contributory and non-contributory periods of specified duration. In the „new” old-age pension scheme – covering persons born after 31 December 1948 who do not qualify for the early retirement pension – accumulation of a qualifying period of specified duration is not required to acquire the right to the benefit.

The amount of such pension will be the quotient of the benefit’s calculation basis and average life expectancy² for persons of the age at which the insured person retires.

The old-age pension will be calculated on the basis of the amount of the indexed initial capital (established for periods of insurance in Poland completed before

² 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.

31 December 1998) 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 month from which the pension is payable.

It means that if the survivor's pension is established after the death of a person who has satisfied the qualifying conditions for the „new” old-age pension, there is no need to aggregate Polish and foreign insurance (residence) periods. In these cases no pro-rata pension is established, as earlier described. A pension for a survivor of such person is established on the basis of the old-age pension that would be payable to the deceased person, based on the resources accumulated on the pension account of the insured person in ZUS.

The old-age pension for insured persons born after 31 December 1948, who acquire the right to the old-age pension from the reformed scheme, and who reach the retirement age – 60 years for women and 65 years for men – in the years 2009-2013, will be established under the so called mixed rules, i.e. it will be calculated partly under earlier and partly under the reformed rules³. Such old-age pension is composed of two parts, namely:

- relevant for a given year percentage of the old-age pension calculated under earlier rules (i.e. using the base amount, the basis for benefit calculation and calculating parts depending on contributory and non-contributory periods);
- relevant for a given year percentage of the old-age pension calculated under the reformed rules (as a quotient of resources accumulated on the pension account and average life expectancy for persons of the age at which the insured person retires).

If the survivor's pension is established after the death of a person who has satisfied the qualifying conditions for the old-age pension in the statutory retirement age⁴, calculated under the mixed rules, or who has been a recipient of such pension, and the deceased person has also completed insurance or residence periods under the legislation of other Member States, pension amount is calculated – according to the principle of advantage – in two variants:

- on the one hand the survivor's pension is calculated based on the mixed old-age pension, in the so called national variant – which means that while determining a relevant percentage of the deceased person's old-age pension

³ Proportion of both parts of the old-age pension – i.e. calculated under earlier rules (old) and under the reformed rules (new) – depends on the year when a given person will reach the retirement age. And so, such old-age pension amounts to:

80% of old and 20% of new old-age pension if the retirement age is reached in 2009;

70% of old and 30% of new old-age pension – in 2010;

55% of old and 45% of new old-age pension – in 2011;

35% of old and 65% of new old-age pension – in 2012;

20% of old and 80% of new old-age pension – in 2013.

⁴ The statutory retirement age is 60 years for women and 65 years for men.

calculated under earlier rules, only Polish insurance periods are taken into consideration,

- on the other hand the survivor's pension is calculated based on the mixed old-age pension in the so called pro-rata variant. It means that while determining a relevant percentage of the deceased person's old-age pension calculated under earlier rules, account is taken not only of Polish insurance periods but also of foreign insurance or residence periods completed in Member States. Subsequently this part of the old-age pension of the deceased person is calculated as a pro-rata pension, taking into consideration the ratio of Polish insurance periods to the total of Polish and foreign periods of coverage completed by the person deceased.

Then amounts of the survivor's pension calculated in this way are compared to award the benefit in amount more favourable to the person concerned.

A woman who was born after 31 December 1948 and has satisfied the qualifying conditions for the award of the old-age pension under the reformed rules, and reached the age of 60 years in 2009, after having completed 9-year insurance period in Poland and 10-year insurance period in Austria, orphaned a daughter. If ZUS awards a survivor's pension to her child, it will determine the benefit amount in the following way:

- *on the one hand it will calculate the **national** survivor's pension based on the mixed old-age pension, composed of:*
 - *a part of the survivor's pension calculated on the basis of 80% of the old-age pension established under earlier rules⁵, taking into consideration only Polish insurance period of the deceased woman, equal to 9 years (i.e. the old-age pension calculated on the basis of the base amount, the basis for benefit calculation and parts depending on contributory and non-contributory periods),*
 - *a part of the survivor's pension calculated on the basis of 20% of the old-age pension established under the reformed rules (i.e. the old-age pension being the quotient of resources accumulated on the pension account of the deceased person and her average life expectancy);*
- *on the other hand it will calculate the **pro-rata** survivor's pension based on the mixed old-age pension, composed of:*
 - *a part of the survivor's pension calculated on the basis of 80% of the old-age pension established under earlier rules, taking into consideration Polish and Austrian insurance periods of the deceased woman in pro-rata amounts (i.e. first ZUS will calculate a theoretical amount of the pension on the basis of aggregated 19-year period of insurance of the deceased woman completed under the legislation of both Member States and subsequently it will calculate the pro-rata pension, which in the described case amounts to 9/19 of the theoretical amount),*

⁵ Percentage of the old-age pension calculated under earlier rules and percentage of the old-age pension established under the reformed rules – 80 and 20 respectively – which means that the deceased person reached the retirement age in 2009 (see footnote 3).

- a part of the survivor's pension calculated on the basis of 20% of the old-age pension established under the reformed rules (i.e. the old-age pension being the quotient of resources accumulated on the pension account of the deceased person and her average life expectancy);

Finally ZUS will compare amounts of benefits calculated in both variants and will award the pension in amount which is more favourable to the child.

► **Calculation of amount of the survivor's pension after the death of a person who was entitled to or satisfied qualifying conditions for the award of early retirement pension calculated in accordance with the so called mixed rules (Article 184 of the Pension Law)**

Persons insured born after 31 December 1948 are entitled to the old-age pension in earlier age – provided for in Articles 32, 33, 39 and 40 of the Law on pensions from the Social Insurance Fund – if:

- 1) on the day of entry into force of the Pension Law, i.e. on 1 January 1999 they accumulated: ● a period of employment in special conditions and special character, required in earlier legislation in order to acquire the pension entitlement in age lower than 60 years for women and 65 years for men ● the contributory and non-contributory period of at least 20 years for women and 25 years for men, and
- 2) they have not joined the Open Pension Fund or have applied for the transfer of resources collected on account in the Open Pension Fund, via the Social Insurance Institution, to the State budget incomes, and
- 3) they have terminated the employment relationship – in the case of the person insured being employed.

If a person who satisfies the qualifying conditions for the award of such old-age pension reaches the earlier retirement age in the years 2009-2013, his or her benefit will be calculated, following the mixed rules, as: ● relevant for a given year percentage of the old-age pension calculated under earlier rules ● relevant for a given year percentage of the old-age pension calculated under the reformed rules.

If the survivor's pension is established after the death of a person who – to be awarded the earlier retirement pension calculated in a mixed way – **needed foreign insurance or residence periods** or foreign periods of employment in special conditions, the pension is calculated in the so called pro-rata variant. It means that while determining a relevant percentage of the deceased person's old-age pension calculated under earlier rules, account is taken not only of Polish insurance periods but also of foreign insurance or residence periods completed in territories of Member States, and subsequently this part of the old-age pension of the deceased person is calculated taking into consideration the ratio of Polish insurance periods to the total of Polish and foreign periods completed by the person deceased.

For example if ZUS awards a survivor's pension to a child of a man who was born after 31 December 1948 and reached the earlier retirement age of 60 in 2009 (he satisfied the qualifying conditions for the award of the old-age pension in lower age pursuant to Article 184 of the Pension Law), and who has accumulated 15-year period of insurance in Poland and 10-year period of insurance in the Netherlands, the survivor's pension after his death (equal to a relevant percentage of the deceased man's benefit) will be established based on:

- *80% of the old-age pension established under earlier rules, taking into consideration Polish and Austrian insurance periods of the deceased woman in pro-rata amounts (i.e. first ZUS will calculate a theoretical amount of the pension on the basis of aggregated 25-year period of insurance of the deceased man completed in both Member States and subsequently it will calculate the pro-rata pension, which in the described case equals 15/25 of the theoretical amount),*
- *20% of the old-age pension calculated under the reformed rules (i.e. the old-age pension being the quotient of resources accumulated on the pension account of the deceased person and his average life expectancy).*

However, if the survivor's pension is established after the death of a person who has accumulated foreign periods of insurance or residence, but to award the old-age pension **no foreign periods of coverage were needed**, the pension amount is calculated – according to the principle of advantage – in two variants:

- on the one hand the survivor's pension is calculated based on the mixed old-age pension, in the so called national variant – which means that while determining a relevant percentage of the deceased person's old-age pension calculated under earlier rules, only Polish insurance periods are taken into consideration,
- on the other hand the survivor's pension is calculated based on the mixed old-age pension in the so called pro-rata variant. It means that while determining a relevant percentage of the deceased person's old-age pension calculated under earlier rules, account is taken not only of Polish insurance periods but also of foreign insurance or residence periods completed in Member States. Subsequently this part of the old-age pension of the deceased person is calculated as a pro-rata pension, taking into consideration the ratio of Polish insurance periods to the total of Polish and foreign periods of coverage completed by the person deceased.

Then amounts of the survivor's pension calculated in this way are compared to award the benefit in amount more favourable to the person concerned.

If the insured person reaches lower age required to be awarded the early retirement pension after 31 December 2013, the amount of such pension will be calculated as a quotient of resources accumulated on the pension account of the deceased person and his or her average life expectancy. The survivor's pension – calculated after the death of a person who has satisfied the qualifying conditions or was the recipient of such old-age pension – will be calculated as a relevant percentage of the deceased person's benefit. In this case

even if the deceased person was insured (resided) abroad in Member States, the pro-rata pension will not be established.

► **Periods of insurance (residence) of less than one year**

Where a deceased person was employed (insured) or resided in one of Member States for a period equal to less than one year, no survivor's pension entitlement is established in this State if its legislation does not provide for awarding the pension in respect of so short insurance (residence) period. However, this period is not lost because if a competent institution of other Member State awards the pension, it will be obliged to aggregate also such short foreign period when calculating the amount of own benefit and to pay the benefit also for this period.

Thus if a given person claims the survivor's pension e.g. after the death of a person who – beside employment (insurance) in Poland – has also completed a period of insurance of less than one year in the Netherlands, not giving any entitlement to the benefit under the national legislation of the Netherlands, in the event of awarding the survivor's pension under the legislation of Poland ZUS will take into consideration also the Dutch insurance period to calculate the amount of the benefit (without calculating the pro-rata pension).

The situation is different where the survivor's pension is established after a person who has satisfied qualifying conditions for acquisition of the „new” old-age pension from the reformed scheme. In this case the foreign insurance period of the deceased persons of less than one year, not giving any entitlement to foreign benefit, is taken into account only to determine the initial capital of a given person. Thus, it concerns only foreign periods completed before 1 January 1999. The initial capital is subsequently taken into consideration while calculating the benefit of the deceased person, that is the old-age pension from the reformed scheme or an appropriate part of the mixed old-age pension of the deceased person, calculated under the reformed rules.

► **Receiving foreign pensions by ZUS pensioner**

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

► **Granting survivors' pensions as benefits for orphans**

Entitlement to survivors' pension is investigated by institutions of all States where the person deceased was insured, under the same rules as in the case of the old-age pension. These rules are also applicable in the case of claiming Polish survivors' pension, both pursuant to the Regulation No. 1408/71, and the Regulation No. 883/2004.

A widow of an Austrian national who was insured in Spain and in Poland, submitted a claim for a survivors' pension. Her entitlement to the survivors' pension will be established by institutions of both States, i.e. Spain and Poland, pursuant to their national legislations, considering the EU Regulations, similarly as in the case of parallel investigation of the old-age pension claim (pursuant to regulations on aggregation of insurance periods to establish the right to benefits, calculate benefits in accordance with the pro-rata temporis principle, etc.). In result, the claimant may acquire the right to the pro-rata survivors' pensions from two Member States.

IMPORTANT

Pursuant to the Regulation No. 1408/71, special rules are applicable where a pension is claimed from ZUS by an orphan (a child) of the deceased person who has been subject not only to the Polish legislation, but also – at any time – to legislation of such Member State which does not provide for orphan pensions (survivors' pensions for orphans), but only for family allowances or special allowances for orphans. Such allowances are provided for in the legislation of Belgium, Denmark, France, Ireland and the United Kingdom.

There are no such special rules in the Regulation No. 883/2004. The survivors' pensions are always established under the general rules.

The former Regulation No. 1408/71 differentiates legal situation of:

- widowers and other persons entitled to the survivors' pension not being children – coordination of survivors' pensions awarded to these persons is carried out under the general rules, similar to those applicable to old-age pensions,
- children entitled to the survivors' pension, if the deceased person has never been covered by social insurance under the Belgian, Danish, French, Irish and UK provisions – coordination of survivors' pensions awarded to these persons is carried out under the general rules, similar to those applicable to old-age pensions,
- children entitled to the survivors' pension, if the deceased person has been covered by social insurance inter alia under the Belgian, Danish, French, Irish and UK provisions – coordination of survivors' pensions awarded to these persons is carried out under the special rules, which are described below.

The provisions of the Regulation No. 1408/71 provide special rules for establishing and paying benefits to children (orphans) being the survivors of a person who has completed insurance or residence periods in Member States, including at least one Member State where only family allowances or special allowances for orphans are provided for. Under the aforesaid special rules the payment of benefits to orphans is the responsibility of the institution of only one of Member States where the deceased person has completed qualifying periods.

The institution of the Member State of orphan's residence is responsible for payment of the benefit if the entitlement to benefits is acquired under the legislation of that State.

If the deceased person was not subject to social insurance system in the State of orphan's residence, benefits are payable by the institution of the State where the deceased person has completed the longest insurance or residence periods, and if the qualifying periods in various Member States were of equal duration – the institution of the State where the deceased person has recently completed these periods.

Thus, if the deceased person has completed insurance or residence periods in Poland and in the Member State where only family allowances or special allowances for orphans are provided for (e.g. in the United Kingdom, France or Belgium), and the orphan claiming the benefit is resident:

- in Poland – the orphan is awarded the survivors' pension calculated in accordance with the Polish legislation,
- abroad in another Member State – the orphan is awarded the survivors' pension or the family allowance/special allowance for orphans under the legislation of the State of residence.

Nevertheless, the institutions of other Member States where the deceased person has completed insurance or residence periods will be also obliged to establish the benefit for an orphan from that country and then to suspend the payment of these benefits in part equal to the amount of benefits for orphans awarded in the country responsible for their payment. The aforesaid institutions pay orphan supplementary allowances in amount equal to a difference between the amount of their own benefit and the amount of benefit awarded in the State responsible for their payment.

A claim for survivors' pension has been submitted by a French resident being an orphan of a person who had been successively employed in Poland, in Germany and in France. French legislation does not provide for survivors' pensions for orphans, but Polish and German legislations do.

The claim was investigated by the French institution as the institution of orphan's place of residence. It awarded the French orphan's allowance under the French legislation. In this case the Polish and German institutions will suspend the right to survivors' pensions for the orphan, resulting from the Polish and German legislations, to the amount of French orphan's allowance. It means that if the amount of the Polish or German survivors' pension is higher than the French orphan's allowance, the Polish or German institution will be obliged to pay a differential supplement for the sum, which exceeds the amount of the French orphan's allowance.

Benefits established under the aforementioned rules relate only to a situation where provisions of the Regulation No. 1408/71 constitute a basis for investigating the claim.



Survivor's pension for persons residing in Member States other than Poland, after a deceased person who has accumulated only Polish insurance periods

The coordination of the social security systems also covers cases where the deceased person has accumulated only Polish insurance periods (before his or her death has been employed only in Poland), and the survivor's pension claimant (e.g. a spouse, a child) resides in a Member State other than Poland.

Where the survivor's pension claimant after the death of a person who has accumulated only insurance (employment) periods in Poland, resides abroad in another Member State, only the Polish institution will be competent to establish the right to the pension, i.e. the institution which is in Poland obliged to investigate a given claim (ZUS or KRUS respectively or a pension body of the so called uniformed services).

The mentioned person may be granted the survivor's pension in Poland if he or she satisfies the qualifying conditions under the Polish legislation.



Evaluation of incapacity for work for pension purposes

Where the award of the survivor's pension from ZUS depends on incapacity for work, evaluation of such incapacity, determination of the degree of disability, date of its occurrence, permanency or expected duration as well as other circumstances related to incapacity for work affecting the right to the pension, fall within the competence of ZUS evaluating doctor, and if the decision of ZUS doctor is appealed against – within the competence of the medical board of the Social Insurance Institution.

ZUS evaluating doctor issues a decision also when the pension claimant is permanently resident in other Member State. In such cases ZUS evaluating doctor evaluates incapacity for work on the basis of medical opinion drawn up by a competent institution (medical practitioner) in the place of residence of the person concerned or on the basis of documentation supplied by the pension claimant.

A 'person incapable of work' is defined – for pension purposes – as a person who has lost, completely or partly, earning capacity due to disturbance of body fitness and retraining does not promise the restoration of his or her earning capacity.

In accordance with the Polish legislation the following degrees of incapacity for work are distinguished:

- complete incapacity for work – certified in a case of a person who has lost capability for any work – or
- partial incapacity for work – certified in a case of a person who has lost – to a considerable degree – capability for work corresponding to his or her level of qualifications.

And the inability for independent existence is certified in a case of body impairment which requires permanent or long-term care and assistance of other person in satisfaction of primary living needs.



The basis for assessment of the survivor's pension in a case where the deceased person has accumulated – apart from the Polish periods of insurance – also foreign periods of insurance (residence)

Where the survivor's pension is calculated on the basis of disability pension or old-age pension – to which the deceased person was entitled – established under the earlier rules (dependent on the length of contributory and non-contributory periods), it is necessary to establish **the basis for assessment of the deceased person's pension**.

The survivor's pension from ZUS, established after the death of a person who has accumulated – apart from the Polish insurance periods – also foreign insurance or residence periods in 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 the pension claim. The mentioned 10 calendar years are determined without consideration of periods when the deceased person was insured for the full year abroad in Member States.

If during the period of 20 years directly preceding the year when the person concerned filed the pension claim, the deceased person had not been covered by insurance in Poland, an amount of the 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 deceased person had joined for the first time insurance abroad in a Member State.

On the request of the person concerned an amount of the pension may be also based on an average basis for assessment of a contribution to social insurance, pursu-

ant to the Polish legislation, from the period of 20 calendar years, preceding the year when the person concerned filed the pension claim, selected from the whole period of the deceased person's coverage by the social insurance in Poland.



The basis for assessment of the survivor's pension in a case where the deceased person has accumulated – apart from the Polish periods – also foreign periods of insurance

Where the survivor's pension is calculated on the basis of the old-age pension to which the deceased person was entitled, established under the reformed rules (independent of the length of contributory and non-contributory periods), it is necessary to establish **the basis for assessment of the deceased person's benefit**.

The old-age pension due to the deceased person will be calculated on the basis of the initial capital accumulated on that person's pension account – after indexation – established for periods completed before 1999, and the amount of contributions paid to the old-age pension insurance – after indexation, recorded on individual account of the person insured for period after 31 December 1998. Amount of the old-age pension that would be awarded to the deceased person is calculated to assess the survivor's pension as a relevant percentage of the benefit for the deceased person. This amount corresponds to the quotient of the calculation basis and average life expectancy for persons in the age equal to the age reached by the deceased person.



Special rules for establishing pensions under the Polish-German Agreement of 1975

In Polish-German relations, beside the EU regulations governing the coordination of social security systems, the Polish-German Agreement of 1975 on old-age pensions and benefits for accidents at work is still in force.

As a result of this Agreement, survivors' pensions in respect of insurance periods completed by the deceased person in Poland and in Germany before 1 January 1991 are financed by a social insurance institution of the claimant's State of residence (German or Polish institution respectively), and in respect of insurance periods completed after 31 December 1990 – a social insurance institution of the State where the periods have been completed.



Where to file the survivor's pension claim?

A claimant for the survivor's pension after the death of a person who has completed periods of insurance (residence) in more than one Member State, should file his or her pension claim with an insurance institution **of only one Member State**. It means that it is not necessary to file a separate application form in each State.

Such pension claim automatically triggers off **the procedure of pension entitlements' investigation** in all Member States where the deceased person has been covered by social insurance, and the date of the claim is binding upon competent institutions of all concerned Member States.

- If the person concerned **resides in Poland** and the deceased person has accumulated periods of insurance in Poland and in other Member States, the person concerned should file his or her survivor's pension claim with the Polish social insurance institution (ZUS, KRUS or a pension body of the so called uniformed services).
- If the person concerned **resides abroad** in the territory of a Member State and the deceased person has accumulated periods of insurance in Poland and in other Member States, including the State of residence, the person concerned should file his or her pension claim with the social insurance institution responsible for providing pensions in the State of residence.
- If the person concerned **resides abroad** in the territory of a Member State where the deceased person has not accumulated insurance periods but has accumulated such periods in Poland and in other Member States, the person concerned should file his or her pension claim with the social insurance institution responsible for providing pensions in the State where the deceased person was last insured. The pension claim may be also filed via the social insurance institution of the State of residence of the person concerned, which will forward it to the competent institution.
- If the person concerned **resides abroad** in the territory of a Member State and the deceased person has completed periods of insurance only under the legislation of Poland, the person concerned should file his or her claim with a Polish institution competent to investigate this claim. The pension claim may be also filed via the social insurance institution of the State of residence of the person concerned, which will forward it to the relevant Polish institution.

The date of filing the claim with the foreign institution is in each case binding upon the Polish institution.

Where the claim for a survivor's pension subject to EU coordination is filed with a foreign institution of a Member State, the said institution is obliged inter alia to

complete the application for the pension to be awarded under the Polish legislation and to forward it to the competent institution in Poland.

Where the claim for a survivor's pension subject to EU coordination should be investigated in Poland, it is necessary to identify a Polish institution competent for a given case.

The pension claim is investigated by ZUS if the deceased person has been employed or self-employed (ran a business outside agriculture) in the territory of Poland.

However, the claim is not always investigated by ZUS. ZUS is not competent to investigate claims for survivors' pensions if the deceased persons were covered in Poland by the social insurance scheme for farmers, pension schemes for uniformed services or schemes covering judges and public prosecutors. However, ZUS investigates survivor's pension claims:

- if the deceased persons 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,
- in some cases where the deceased persons were officers of the so called uniformed services (e.g. professional soldiers, officers of the Police, State Fire Service), if the last period of coverage completed before the death in Poland was e.g. the period of employment or self-employment.

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

- **First ZUS Branch in Łódź** – Division for Implementation of International Agreements (I Oddział ZUS w Łodzi – Wydział Realizacji Umów Międzynarodowych, ul. Zamenhofa 2, 90-431 Łódź), tel. +48 42 638-29-67, +48 42 638-24-80 – if the deceased person has accumulated Polish and foreign insurance (residence) periods, of which last completed under the legislation of Cyprus, Greece, Spain, Malta, Portugal or Italy, or has completed only Polish insurance periods and the pension claimant resides in the territory of one of the mentioned States;
- **ZUS Branch in Nowy Sącz** – Division for Implementation of International Agreements (Oddział ZUS w Nowym Sączu – Wydział Realizacji Umów Międzynarodowych, ul. Węgierska 11, 33-300 Nowy Sącz, tel. +48 18 443-78-48, +48 18 443-54-46 ext. from 3302 to 3325 and 3424 – if the deceased person has accumulated Polish and foreign insurance (residence) periods, of which recently in Czech Republic or Slovakia, or has completed only Polish insurance periods and the pension claimant resides in the territory of one of the mentioned States;
- **ZUS Branch in Opole** – Division for Implementation of International Agreements (Oddział ZUS w Opolu – Wydział Realizacji Umów Międzynarodowych, ul. Wrocławska 24, 45-701 Opole), tel. +48 77 451-16-81, +48 77 451-17-58,

+48 77 451-17- 61) – if the deceased person has accumulated Polish and foreign insurance (residence) periods, of which last completed under the legislation of Germany, or has completed only Polish insurance periods and the pension claimant resides in the territory of Germany;

- **ZUS Branch in Tarnów** – Division for Implementation of International Agreements (Oddział ZUS w Tarnowie – Wydział Realizacji Umów Międzynarodowych, ul. Kościuszki 32, 33-100 Tarnów), tel. +48 14 621-43-71 to 74 ext. 306, 336, 362, 458, 459, 461 – if the deceased person has accumulated Polish and foreign insurance (residence) periods, of which last completed under the legislation of Austria, Hungary, Liechtenstein, Slovenia or Switzerland, or has completed only Polish insurance periods and the pension claimant resides in the territory of one of the mentioned States;
- **ZUS Branch in Szczecin** – Division for Implementation of International Agreements (Oddział ZUS w Szczecinie – Wydział Realizacji Umów Międzynarodowych, ul. Matejki 22, 70-530 Szczecin), tel. +48 91 814-88-69 – if the deceased person has accumulated Polish and foreign insurance (residence) periods, of which last completed under the legislation of Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway or Sweden, or has completed only Polish insurance periods and the pension claimant resides in the territory of one of the mentioned States;
- **First ZUS Branch in Warsaw** – Division for Implementation of International Agreements (I Oddział ZUS w Warszawie – Wydział Realizacji Umów Międzynarodowych, ul. Kasprówicza 151, 01-949 Warszawa), tel. +48 22 569-36-04, +48 22 569-36-13, +48 22 569-35-93, +48 22 569-36-50 – if the deceased person has accumulated Polish and foreign insurance (residence) periods, of which last completed under the legislation of Belgium, Bulgaria, France, Ireland, Luxembourg, the Netherlands, Romania or United Kingdom, or has completed only Polish insurance periods and the pension claimant resides 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 which is competent in a given case, or **through the nearest ZUS body in his or her place of residence**.



How to draw up a survivor's pension claim filed with ZUS?

If the pension claim is filed with ZUS (e.g. a person concerned resides in Poland), it must be drawn up pursuant to the Polish legislation. It may be submitted on form ZUS Rp-2 – wniosek o rentę rodzinną (a claim for an old-age pension), which must be accompanied with:

- EU form E 207 PL – informacje dotyczące przebiegu ubezpieczenia osoby ubezpieczonej (certificate concerning the insured person's insurance history) – completed in item 7 (information relating to all insurance and residence periods completed by the deceased person under the legislation of individual Member States), 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 – related to the person deceased),
- documents proving insurance (employment) periods of the deceased person under the legislation of Member States other than Poland, numbers of his or her foreign insurance – if relevant, names and addresses of employers and other information helping to identify foreign institutions where the deceased person has been insured.



Appeals against ZUS decisions in survivors' pension issues filed by persons residing abroad in the territory 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 the 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 forward the appeal to a competent ZUS unit.



The right to review pension decisions taken by the institutions of the Member States

Pursuant to the Regulation No. 987/2009, pension claimants acquired the new entitlement – the right to request the review of pension decisions taken by the institutions of Member States in a situation of interaction of the aforementioned decisions which adversely affects the rights of persons concerned.

And namely, in accordance with the Regulation No. 987/2009, each institution must notify the claimant of the pension decision it has taken in accordance with the applicable legislation. Each decision must specify the remedies and periods al-

lowed for appeals. Once the contact institution has been notified of all pension decisions taken by concerned institutions, it sends the claimant and other institutions concerned a summary of those decisions. A model summary has been drawn up by the Administrative Commission (an auxiliary body of the European Commission). It is a portable document P1. In the transitory period, the social insurance institutions may send the summary of issued decisions in pension issues to the person concerned also in other form.

The summary is sent to the claimant by the so called contact institution (i.e. by an institution which coordinates pension procedure in various countries; usually it is an institution of the claimant's State of residence) in the language of the institution or, at the request of the claimant, in any language of his or her choice recognised as an official language of the Community institutions in accordance with Article 290 of the Treaty. The point is that the claimant should be informed about taken decisions in language intelligible for him or her.

Where – following the receipt of the summary – it appears to the claimant that his or her rights may have been adversely affected by the interaction of decisions taken by two or more institutions, he or she has the right to request a review of the decisions by the institutions concerned. The request for the review of decisions should be filed by the person concerned within the time limits laid down in the national legislation applied by the institution which has taken the decision. The time limits for filing the request commence on the date of receipt of the summary by the person concerned.

The claimant must be notified of the result of the review in writing.

As an example of interaction of the decisions which adversely affects the rights of persons concerned, one may mention a situation where a Polish institution has taken a decision refusing the disability pension because the period of insurance was shorter than one year, and an institution of other Member State has not taken this period into consideration when establishing the right to pension from this State, although it was obliged to do it.

With reference to the Polish legislation applied by ZUS, the „review” in the meaning of Article 48 paragraph 2 of the Regulation No. 987/2009 is defined as re-establishment of the right to or amount of the pension benefit referred to in Article 114 of the Law of 17 December 1998 on pensions from the Social Insurance Fund.

The request for the review of ZUS decision may be filed any time (there are no time limits). After investigating the request for the review, ZUS issues a relevant decision.

If the pension body re-establishes the right to benefits or re-calculates the benefit amount, the granted or increased benefits are payable from the month when the right to those benefits was established or a decision on raising the benefit amount was made, however not earlier than:

- starting from the month when the request for the review was filed,

- for the period of 3 years directly preceding the month when the request for the review was filed, if the refusal or granting of lower benefits was an effect of a mistake made by the pension body or reviewing body.



Payment of the survivor's pension to a person who resides abroad within the territory of a Member State

Survivor's pension from ZUS for an eligible person who resides abroad in the territory of a Member State may be transferred, depending on instructions given to ZUS:

- in Poland (to bank account of the pensioner or to an authorized person who resides in 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. A request 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 claim is transmitted to **one of six local ZUS bodies designated to deal with pension issues subject to EU coordination**. The request for pension transfer may be also filed directly with a competent, designated ZUS body.

The 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 pension is transferred to another Member State, the date of bank transfer is considered as the date of payment.

And persons entitled to pension from ZUS, residing in other State than the Member State (i.e. in the Third State) may receive their benefit only in Poland – transferred to pensioner's bank account or to an authorized person residing in the territory of Poland, however, with the exception of pensioners residing in the Third States, which are bound with Poland by a bilateral international agreement in the field of social insurance, i.e. in the USA, Canada, Australia, South Korea, Macedonia, Serbia, Montenegro, Croatia, Bosnia and Herzegovina. Such persons may – upon their request – have their pension transferred to the State of residence (to pensioner's foreign bank account).

Pensions are transferred to beneficiaries who reside abroad without deduction – pursuant to the tax legislation – of advance payment to the personal income tax in Poland (in gross amount) or after deduction of advance payment to the personal income tax in Poland (in net amount) – depending on provisions of an international agreement

for the avoidance of double taxation concluded by Poland with the beneficiary's State of residence. More detailed information on taxes imposed on Polish pensions payable to persons who live abroad and on the applicability of international agreements for the avoidance of double taxation is available in a competent treasury office. Information in this regard may be also obtained under the following telephone numbers of the National Tax Information: 801-055-055 (from stationary telephone in Poland) and +48 22 330-03-30 (from mobile telephone or from abroad).

Should the National Health Fund (Narodowy Fundusz Zdrowia – NFZ) 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 NFZ, the pension is transferred after deduction by ZUS of the health insurance contribution. The mentioned contribution is transferred to the NFZ, and the person concerned has the right to take advantage of health care benefits abroad in the territories of Member States at the expense of the NFZ. More detailed information in this regard is available in a competent NFZ branch or in NFZ headquarters. More detailed information related to healthcare benefits in kind for persons covered by the EU coordination is available in Mazowiecki NFZ branch or in NFZ headquarters. NFZ Infoline: tel. +48 22 572-60-42, e-mail: infolinia@nfz.gov.pl.



Impact of earnings from activity pursued abroad in the territory of Member States on the entitlement to and amount of the survivor's pension received from ZUS

Pensioners are obliged to notify ZUS of earnings and other incomes from activity pursued 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.

Pensioners are obliged to notify ZUS unit which pays their benefit of incomes from activity pursued in Poland and abroad.



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 pursued in the territory of Poland and abroad), school graduation by a child.

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 pensions to persons who reside abroad periodically sends to beneficiaries a form of certificate of living and residence to be completed and sent back to ZUS. These forms are available at a website www.zus.pl as a PDF file.

The form should be completed and signed by the pensioner him/herself. Should the pensioner be not able to sign it personally, the form should be signed by a person who actually takes care of him or her. 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 has a general character. More detailed information is available at:

- the nearest local body of ZUS,
- ZUS website: www.zus.pl,
- local ZUS bodies designated to deal with pension issues subject to EU coordination, i.e. in First ZUS Branch in Łódź, ZUS Branch in Nowy Sącz, ZUS Branch in Tarnów, ZUS Branch in Opole, ZUS Branch in Szczecin and First ZUS Branch in Warsaw,
- Foreign Pensions Department in ZUS Headquarters, playing the role of the liaison body in pension issues subject to EU coordination, which cooperates with foreign liaison bodies of Member States (ZUS Centrala – Departament Rent Zagranicznych, ul. Senatorska 10, 00-082 Warszawa).

► An opportunity to ask questions via Internet

At ZUS e-Inspectorate website <http://e-inspektorat.zus.pl> the Social Insurance Institution has created an opportunity of asking ZUS questions and receiving answers on old-age, disability and survivors' benefits subject to EU coordination and bilateral coordination based on the international social security agreements.

Services are addressed to **persons resident in Poland and abroad** who wish to receive information on the rules for acquiring pension rights, on calculation of benefits

for persons who have accumulated insurance periods in Poland and abroad in EU/EEA Member States and in Switzerland, as well as in States which are bound with Poland by international agreements on social security, and also information on rules for benefits' payment and transfer to the State of residence.

Services are free and available after registration or earlier logging.

The user is informed via e-mail about reply received from ZUS.

To ask a question the user should **choose the State of last employment (insurance) outside Poland from a list of EU/EEA Member States and Switzerland**, as well as States which are bound with Poland by international agreements on social security.

The user may also directly indicate ZUS unit to which the question is addressed.

It should be borne in mind that pension issues of persons who have been employed in Poland and abroad in EU/EEA Member States and Switzerland, as well as States which are bound with Poland by international agreements on social security, are dealt with by units designated by ZUS President, which implement international agreements.

ZUS branches providing explanations on pensions subject to coordination

ZUS unit	States covered by the scope of unit's activity ⁶
First ZUS Branch in Łódź Division for Implementation of International Agreements	Cyprus, Greece, Spain, Malta, Portugal, Italy, Canada, South Korea
ZUS Branch in Nowy Sącz Division for Implementation of International Agreements	Czech Republic, Slovakia, Australia
ZUS Branch in Tarnów Division for Implementation of International Agreements	Austria, Slovenia, Hungary, Liechtenstein, Switzerland
ZUS Branch in Opole Division for Implementation of International Agreements	Germany
ZUS Branch in Szczecin Division for Implementation of International Agreements	Denmark, Estonia, Finland, Latvia, Lithuania, Sweden, Iceland, Norway
First ZUS Branch in Warsaw Division for Implementation of International Agreements	Belgium, Bulgaria, France, Ireland, Luxembourg, the Netherlands, Romania, United Kingdom, Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Serbia, the United States of America

⁶ Cases of persons who have completed only Polish insurance periods and reside abroad are dealt with by units competent for the place of residence of these persons. With reference to persons who have completed Polish and foreign insurance periods, a competent unit is determined depending on a State where those persons were last insured.

A question asked by the user via this website will be forwarded to the staff of a relevant ZUS unit, specialized in pension issues governed by EU regulations or bilateral agreements on social security.

Within the framework of this Internet service persons concerned may ask ZUS questions concerning:

- rules for acquiring pension rights by persons who have accumulated insurance periods in Poland and abroad in indicated States,
- rules for benefits' calculation,
- rules for benefits' payment and transfer to the State of residence,
- procedures followed and forms used while claiming benefits from ZUS and from States bound by international agreements,
- other issues related to pension issues falling within ZUS competence.

A person, whose case is already dealt with by one of the aforementioned units (pending case), may ask this unit – via the described website – about the progress of the matters, may request some explanations or other instructions or information from ZUS. In such situation, a case number must be given, i.e. a number assigned in a unit, to which the question is addressed. If the number is not yet known (e.g. an old-age pension claim had been filed with a foreign institution which has not yet forwarded it to ZUS), as many case details as possible should be given.



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

- Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ No. L 166 of 30 April 2004, p. 1-116),
- Regulation (EC) No. 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No. 883/2004 on the coordination of social security systems (OJ No. L 284 of 30.10.2009, p. 1-42).
- 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).
- Regulation (EU) No. 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No. 883/2004 and Regulation (EC) No. 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality (OJ No. L 344 of 29.12.2010).

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