



OLD-AGE PENSION FROM ZUS SUBJECT TO EU 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 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 Fund¹. 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: *Emerytura z Funduszu Ubezpieczeń Społecznych ustalana na dotychczasowych zasadach* (Old-age pension from the Social Insurance Fund awarded under previous rules) and *Nowa emerytura z Funduszu Ubezpieczeń Społecznych* (Old-age pension from the Social Insurance Fund awarded under the new rules), which are available at ZUS website: www.zus.pl.

Persons concerned who have been also employed abroad in Member States of the European Union, European Economic Area or in Switzerland, or who are or were residing in the territories of these States, may be covered by the coordination of pension 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 from the 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:

- reside abroad in the territories of Member States and claim a pension from ZUS on the basis of employment (insurance) periods completed only under the legislation of Poland,

¹ Journal of Laws (Dz.U.) of 2009 No. 153, Text 1227 as amended.

- 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 employment (insurance) periods completed under the legislation of Poland as well as employment or residence periods completed abroad under the legislations 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 EU coordination of old-age, disability and survivors' benefits?

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

The coordination of pension schemes of Poland and the aforementioned States is carried out pursuant to the Regulation (EC) No. 883/2004 of the European Parliament and of the Council (see: p. 19).

For EU 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 EU Member States.

The coordination of pension schemes of Poland and Iceland, Liechtenstein and Norway, as well as Switzerland is carried out pursuant to the Regulation (EEC) No. 1408/71 (see: p. 19).

The aforementioned Member States of the European Union, of the European Economic Area not being EU Member States as well as Switzerland, are further referred to as „the Member States”.



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

The following groups of persons take advantage of the EU coordination provided for in the Regulation No. 883/2004 in respect of old-age pensions:

- nationals of EU Member States (including Polish nationals),
- refugees or stateless persons (i.e. persons not being nationals of any State) residing in the territories of Member States.

And apart from the aforementioned groups, the following additional groups of persons take advantage of the EU coordination provided for in the Regulation No. 1408/71 in respect of old-age pensions:

- the nationals of the European Economic Area not being EU Member States (Norway, Iceland, Liechtenstein) and Switzerland,
- nationals of Third States, i.e. non-Member States, residing in the territory of a Member State (however the coordination does not cover nationals of Third States residing in the territories of Denmark, Iceland, Liechtenstein, Norway 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.

It should be however mentioned that the coordination concerns only such persons who find themselves in the so called EU situation related at least to two Member States – i.e. have been employed in two Member States or have been employed in one Member State and reside in other Member State.



Equal treatment

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

It means that discrimination of a Polish national who claims an old-age pension in other Member States is prohibited.



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

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

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 legislations of Member States, **may be granted a pension both in Poland and in another Member State**, where he/she was insured

(resident), if he/she satisfies the qualifying conditions for acquisition of the right to the pension under the legislations of these States.

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

In the event if the qualifying conditions for the pension have been satisfied under the legislations of several Member States, pensions may be received from several States.

► **Aggregation of foreign insurance or residence periods completed in the territories 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 legislations of all other Member States unless those foreign periods overlap with the Polish insurance periods.

To establish the old-age pension entitlement ZUS will take into account foreign periods of insurance (residence) completed in the territories 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 has not completed a 25-year period of insurance in the territory 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 in the territories 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 legislations of Member States are aggregated by ZUS at a rate (scope, length) 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 the Social Insurance Fund 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 insurance (residence) periods accumulated by this man under the legislations of other Member States (e.g. of Spain, Sweden or Germany).

► **Determination of a pro-rata old-age pension having recourse to foreign insurance or residence periods completed in the territories 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 in the territories 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 in the territory of that State,
- subsequently, based on the theoretical amount, the competent institution must determine the actual amount of the pro-rata benefit based on the ratio between the duration of insurance (residence) periods accumulated under the legislation of the State which has established the entitlement and the total duration of insurance (residence) periods completed under the legislations 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 legislations 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 assessment basis for each full contributory year of periods completed under the legislation of Poland and periods of insurance or residence completed abroad under the legislations of Member States – taking into account full months,
- 0.7% of the assessment basis for each full non-contributory year of periods completed under the legislation of Poland and periods treated as insurance (non-contributory) period abroad under the legislations of Member States – taking into account full months.

Then, on the basis of 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 the insurance periods completed under the legislation of Poland and the total duration of the insurance (residence) periods completed under the legislations of all Member States.

For example, if ZUS has determined an old-age pension of 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 legislations of Poland and 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 between the duration of Polish insurance periods and the total duration of periods of insurance under the legislations 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 legislations of Poland and Belgium.

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 insurance periods. **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 legislations of other Member States.

Where an old-age pension is granted from the Social Insurance Fund under the new rules to a man born in 1950 who has reached the retirement age of 65 years and has accumulated a 5-year insurance period in Poland, completed from 1997 to 2001, as well as 10-year period of Irish insurance, ZUS will calculate the pension amount based only on the Polish insurance period.

The old-age pension awarded to the person concerned under the new rules will be the quotient resulting from dividing the calculation basis (amount of initial capital after indexation and amount of contributions paid to the old-age pension insurance in Poland after indexation) by average life expectancy² for persons of the age at which the insured person retires.

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

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.

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 legislations of Member States (a pro-rata old-age pension), and – if it is higher than the amount of the national old-age 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 old-age 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 3-year insurance period in the United Kingdom, ZUS will determine the benefit amount in the following way:

- *first it will determine the national old-age pension – based only on the periods of insurance under the legislation of Poland, equal to 20 years,*
- *then it will determine a pro-rata old-age pension – on the basis of aggregated insurance (residence) periods completed under the legislations of Poland, Sweden and the United Kingdom, equal to 25 years; that is it will calculate a theoretical (full) amount of the pension on the basis of aggregated 25-year period of insurance (residence) completed under the legislations of three mentioned Member States, and subsequently it will calculate the pro-rata old-age pension, which in the described case equals to 20/25 of the theoretical amount,*
- *finally 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 from ZUS, where the entitlement is not dependent on the length of insurance periods, but its 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. Such old-age pension is calculated following the mixed rules, i.e. in part – based on the earlier rules (its amount depends on the duration of the insurance periods) and in part – on the reformed principles (its amount does not depend on the length of the insurance periods).

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

Persons residing in the territory of Poland who receive 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 statutory minimum.

The rules for determining the mentioned supplement by ZUS are different for old-age pensions awarded under earlier principles (old system), 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, is granted by ZUS to bring the benefit up to the level of the Polish minimum old-age pension, 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 between the duration of the Polish insurance periods and the total duration of the Polish and foreign periods of insurance or residence completed under the legislations 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 residing in the territory of Poland satisfies the requirement of insurance periods – 20 years for women and 25 years for men – only after taking into account periods of insurance or residence completed under the legislations 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, residing in the territory of Poland, who had accumulated a 10-year insurance period under the legislation of Poland and a 15-year insurance period under the legislation of Italy, was 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 her 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 residing in Poland had accumulated insurance periods in Poland and periods of insurance or residence in other 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 pension³, 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 foreign old-age or disability pension.

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

Where an insured person has accumulated an insurance (residence) period of less than one year in any Member State, no pension entitlement is established in that State if its legislation does not provide for awarding the old-age 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 take into account also such short foreign period when calculating the amount of own benefit.

This rule is applicable by ZUS to calculate an old-age pension whose amount depends on the length of insurance periods. It means that when calculating such old-age pension ZUS takes into account a foreign insurance (residence) period 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 pays 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 assessment basis of the old-age pension for persons who have accumulated apart from the Polish insurance periods also foreign insurance or residence periods in the territories of Member States

The assessment basis of 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

³ See: the leaflet titled: *Okresowa emerytura kapitałowa ze środków zgromadzonych w OFE* (Periodic funded pension payable from the resources of the Open Pension Fund), ZUS, Warsaw 2009.

legislations of other Member States – is based on an average assessment basis for a contribution to pension insurance (before 1 January 1999 – to social insurance), under the Polish legislation, from the period of 10 consecutive calendar years selected by the person concerned from among the recent 20 calendar years directly preceding the year when the pension claim was filed. The mentioned 10 calendar years are determined without consideration of years when the person concerned was covered (for the full year) by insurance in other than Poland Member States.

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

On the request of the person concerned, as the old-age pension assessment basis there may also serve an average basis for the social insurance contribution assessment under the Polish legislation, from the period of 20 calendar years, preceding the one in which the person concerned filed the pension claim, selected from the whole period of insurance in Poland.



The basis for calculating the old-age pension from the Social Insurance Fund under the new rules for persons who have accumulated apart from the Polish periods of insurance also foreign insurance or residence periods completed under the legislations 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 expectancy⁴ for persons of the age at which the insured person retires.

The 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 (residence) periods completed under the legislations of other Member States – will be calculated based on 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 one from which the pension is payable.

⁴ See footnote 2.

Foreign insurance or residence periods completed under the legislations of other Member States are in this case taken into account only to determine the initial capital for the purpose of calculating the old-age pension under the new rules if those periods are shorter than one year, thus not giving any entitlement to the foreign benefit under the legislations of States where such periods have been completed.



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

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

Under the provisions of this Agreement, pension insurance benefits (including old-age pensions) for persons who had completed insurance periods also under the legislation of the other State-Party before 1 January 1991 and did not move 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 Agreement or to the other country after 31 December 1990, his or her old-age pension is re-established in both States: in Poland and in Germany. It may result in establishment of the old-age 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 legislations 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 legislations of Poland and 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 provided that he or she satisfies the requirements under the Polish legislation.



Where to file an old-age pension claim?

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

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

- A person **residing in the territory of Poland** who 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).
- If a person **residing abroad in the territory of a Member State** has accumulated periods of insurance in Poland and periods of insurance or residence abroad under the legislations of other Member States, including the State of residence, he/she should file his or her pension claim with the social insurance institution competent for old-age pensions in the State of residence.
- A person **residing abroad in the territory of a Member State** where he/she 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 legislations 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 he/she 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 forward it to the competent institution.
- A person **residing abroad in the territory of a Member State** who has completed periods of insurance only under the legislation of Poland, should file his or her pension claim with a Polish institution competent to investigate his or her 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 forward it to the competent Polish institution. The date of filing the claim with a foreign institution will be in this case binding upon the Polish institution.

Where a claim for an old-age 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 a pension to be awarded under the Polish legislation and to forward it to the competent institution in Poland.

Where a claim for an old-age 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 person concerned was **employed or self-employed (ran a business outside agriculture)** in the territory of Poland.

But ZUS is not always competent to investigate the claim. It is not competent to investigate old-age pension claims lodged by 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 insurance periods 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 EU coordination, i.e.:

- **First ZUS Branch in Łódź** – Division for Implementation of International Agreements (I Oddział ZUS w Łodzi – Wydział Realizacji Umów Międzynarodowych, Zamenhofa 2, 90-431 Łódź), tel. +48 42 638-29-67, +48 42 638-24-80 – competent for persons who have accumulated Polish and foreign insurance periods, of which recently completed under the legislations of Cyprus, Greece, Italy, Malta, Portugal or Spain, 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, (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 – 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 (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 – competent for persons who have accumulated Polish and foreign insurance periods, of which recently completed in Austria, Hungary, Liechtenstein, Slovenia 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 (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 – 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 (Oddział ZUS w Szczecinie – Wydział Realizacji Umów Międzynarodowych, ul. Matejki 22, 70-530 Szczecin), tel. +48 91 814-88-69 – competent for persons who have accumulated Polish and foreign insurance (residence) periods, of which recently completed under the legislations of Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway or Sweden, or have completed only Polish insurance periods and reside 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. Kasprzowicza 151, 01-949 Warszawa), tel. +48 22 569-36-04, +48 22 569-36-13, +48 22 569-36-50; +48 22 569-35-93 – competent for persons who have accumulated Polish and foreign insurance (residence) periods, of which last completed under the legislations of Belgium, Bulgaria, France, Ireland, Luxembourg, the Netherlands, Romania or United Kingdom, or have completed only Polish insurance periods and reside in the territory of one of the mentioned States.

A person residing in the territory of Poland may file the pension claim **directly** with one of aforementioned ZUS bodies that is 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, accumulated by insured persons born after 31 December 1948. Information on the eligibility for such pension may be found in the aforementioned leaflet titled: *Okresowa emerytura kapitałowa ze środków zgromadzonych w OFE* (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 establishment 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 an old-age pension claim addressed to ZUS?

If the old-age pension claim is filed with ZUS, it must be drawn up pursuant to the Polish legislation. It may be lodged 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 relating to all insurance periods completed under the legislations of individual Member States) and legibly signed by the claimant,
- documents proving insurance (employment) periods under the legislations of Member States other than Poland, ID numbers of foreign insurance, names and addresses of employers and other information helping to identify foreign institutions where the claimant was insured.
- 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).

The pension claim should include appropriate ID numbers, and namely: **statistical identification number PESEL and tax identification number NIP** of the person concerned, or – if such numbers have not been granted – **series and number of national ID card or passport** (also foreign passport).

A certificate of **employment in Poland** may be issued by:

- the employer based on available personal files of the employee,
- the legal successors of the employer based on personal files of the employee that he/she has taken over,
- the body which stores documents of a liquidated work establishment (a founding body, a supervisory body, archives or a documents' storing company).

The detailed information on required evidence is available at the website www.zus.pl.

The following documents certify **earnings** – for the purposes of calculating the base amount of pension benefits: a certificate issued by the employer on form ZUS Rp-7 or the insurance card with relevant entries on employment periods and received remuneration. Certificate on form ZUS Rp-7 should be issued by the employer or his/her legal successor based on wage and salary documentation. If such documentation is non-existent, the certificate of earnings may be issued based on data contained in personal files of the employee, e.g. in the employment contract, letters of appointment and other letters determining remuneration of a given person. If the person concerned is not able to obtain the required certificates, copies of wage and salary documentation drawn up by the archives or certified copies drawn up by other institutions which store documentation of a given work establishment or by a private documents storage company are allowed.



Appeals against ZUS decisions in old-age pension issues filed by persons residing abroad in the territories of Member States

Pursuant to the Polish legislation, appeals against ZUS decisions in old-age 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 residing 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 the old-age pension decisions taken by the institutions of the Member States

Apart from the right to appeal against ZUS decision pursuant to the Polish legislation, the person concerned is also entitled – pursuant to the Regulation No. 883/2004 – to **request the review of the old-age pension decision** taken by ZUS and decisions taken by institutions of other Member States.

However, the right to apply, pursuant to the Regulation No. 883/2004, for the review of the old-age pension decision is exercised only when the right to the old-age pension in a given Member State has been adversely affected by the interaction of decisions taken by two or more institutions of the Member States.

For example, it may concern a situation where the old-age pension has been reduced due to generated income or received benefits, or where the old-age pension is affected by legal provisions on overlapping insurance periods.

A request for the review of the old-age pension decision should be filed with the institution which has taken the decision in question, within the time limit specified in the national legislation of the Member State concerned. The time limit commences on the date of receipt of the P1 document – *Summary of pension decisions* – containing information on decisions taken by social insurance institutions in all Member States concerned. Until P1 document – *Summary of pension decisions* – is introduced, form E 211 will be provisionally used.

The request for the review of ZUS old-age pension decision may be filed **any time** to ZUS unit which has taken the decision. Persons residing abroad in the territories of Member States may file the request for the review of ZUS decision also through the social insurance institutions of the State of residence, which will forward the request to a competent ZUS unit.



Payment of the old-age pension by ZUS to a person residing abroad in the territory of a Member State

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

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

An old-age 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 an old-age 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 forwarded to **one of six local ZUS bodies designated to deal with pension issues subject to EU coordination**. The application for pension transfer may be also directly filed with a competent, designated ZUS body.

And persons entitled to old-age 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 beneficiaries 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 old-age pension transferred to the State of residence (to pensioner's foreign bank account).

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 of benefit's payment fixed in ZUS decision. 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 old-age 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 residing 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) subject to the provisions of an international agreement to avoid double taxation concluded by Poland with the beneficiary's State of residence.

More detailed information on taxes imposed on Polish old-age pensions payable to persons who reside abroad and on the applicability to the persons of the 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 telephones) and +48 22 330-03-30 (from mobile telephones).

Should the National Health Fund (Narodowy Fundusz Zdrowia, NFZ) issue to a pensioner residing in the territory of another Member State a certificate 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 NFZ.

More detailed information relating to healthcare benefits in kind for persons covered by the EU coordination is available in a competent NFZ branch or in NFZ headquarters. NFZ phone: 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 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 old-age 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 the place of residence, change in a number of bank account, the fact of 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 benefit. ZUS body which pays benefits to persons residing abroad periodically sends them 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 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 ZUS body,
- at ZUS website: www.zus.pl,
- local ZUS bodies designated to deal with pension issues subject to EU coordination, i.e. in the First Branch in Łódź, Branch in Nowy Sącz, Branch in Opole, Branch in Szczecin, Branch in Tarnów and First 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 (Departament Rent Zagranicznych ZUS, ul. Senatorska 10, 00-082 Warszawa, tel. +48 22 826-05-53).



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

- 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 L 166 of 30.04.2004, as amended),
- 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 L 284 of 30.10.2009).
- 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 L 149 of 5.07.1971, as amended),
- 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 L 74 of 27.03.1972, as amended),
- 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 L 124 of 20.05.2003).

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