



PENSIONS FROM ZUS ESTABLISHED ON THE BASIS OF AGREEMENT ON SOCIAL SECURITY BETWEEN THE REPUBLIC OF POLAND AND AUSTRALIA



Who is the leaflet addressed to?

The leaflet is addressed to persons who:

- live in Poland or Australia and claim pension benefits from ZUS on the basis of totalised periods of employment (insurance) completed in Poland and periods of Australian working life residence,
- live in Australia and claim pension benefits from ZUS on the basis of periods of employment (insurance) completed only in Poland,
- live in Australia and are interested in receiving, in their place of residence, a pension benefit that they are entitled to from ZUS.



Legal basis for the coordination

The Social Security Agreement between the Republic of Poland and Australia¹ (hereinafter “the Agreement”), which constitutes a legal basis for coordination of pension systems of Poland and Australia, entered into force on 1 October 2010.

¹ Journal of Laws of 2010 No. 172, Text 1160.

An Administrative Arrangement for the implementation of the Agreement on Social Security between the Republic of Poland and Australia, which entered into force on the same date², defines the way of implementation of the Agreement and the pension awarding procedure pursuant to its provisions.

Provisions of the Agreement and of the Arrangement are inter alia aimed at facilitating acquisition of pension entitlements by persons who have been covered by the social insurance in Poland and have completed periods of Australian working life residence.

Pension provisions of the Agreement apply to: • nationals of the Republic of Poland • nationals of Australia • persons not being nationals of any of those States (i.e. nationals of third States and stateless persons).

The Agreement applies to persons who have been subject to social insurance in Poland, pursuing widely conceived occupational activity – in particular as employees and self-employed persons, and have completed periods of Australian working life residence (i.e. between the ages of 16 and the pensionable age).

It also applies to persons who claim pensions as survivors of the aforementioned persons.



Which pension benefits are covered by the Agreement of 7 October 2009?

The provisions of the Agreement are applicable to the following **Polish** pension benefits awarded by the Social Insurance Institution (Zakład Ubezpieczeń Społecznych, ZUS): • old-age pensions • partial pensions • disability pensions • survivors' pensions • pensions in respect of work accidents and occupational diseases • work accident compensations • funeral grants.

The Agreement also applies to periodic funded old-age pension.

Apart from the aforementioned benefits granted by ZUS, the Agreement is applicable to pension benefits from the social insurance for farmers awarded by the Agricultural Social Insurance Fund (Kasa Rolniczego Ubezpieczenia Społecznego, KRUS).

In relation to **Australia** the Agreement applies to age pensions in respect of Australian residence (age pensions – first pillar). The Agreement does not apply to the Superannuation Guarantee.

² Journal of Laws of 2010 No. 172, Text 1162.



The principle of equality of treatment

Under the equality of treatment principle, all persons to whom the Agreement applies are treated equally by States-Parties in terms of rights and obligations regarding eligibility for and payment of benefits by virtue of this Agreement.

It means that discrimination of a Polish national who applies for the age pension from Australia is prohibited.



Old-age pensions, disability pensions and survivors' pensions from ZUS for persons who have completed insurance periods in Poland and periods of Australian working life residence

► Determination of the right to the pension from ZUS and the age pension from Australia

It is for the legislation of Poland and of Australia to define persons eligible for benefits and eligibility requirements in each of these States.

A person who has completed insurance periods in Poland and periods of Australian working life residence and satisfies qualifying conditions in each of these States – may receive both the old-age or disability pension from ZUS and the age pension from Australia. If the qualifying conditions for the pension have been satisfied in both States, the person concerned may be awarded – by virtue of the Agreement – the old-age or disability pension by ZUS and the age pension from Australia.

Information on eligibility requirements for ZUS 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)*, *Nowa emerytura z Funduszu Ubezpieczeń Społecznych (Old-age pension from the Social Insurance Fund awarded under the new rules)*, *Renta z tytułu niezdolności do pracy (Disability pension)*, *Renta rodzinna (Survivors' pension)*, which are available at ZUS website: www.zus.pl.

Information on eligibility requirements for and rules governing calculation of partial pension³ are available at ZUS website: www.zus.pl.

³ The partial funded pension is determined on the basis of Article 26b of the Act of 17 December 1998 on pensions from the Social Insurance Fund (Journal of Laws of 2013, Text 1440 as amended).

Information on eligibility requirements for Australian age pensions may be found at the following website: www.humanservices.gov.au.

► **Taking into account periods of Australian working life residence**

Where a person claiming pension from ZUS has not accumulated sufficient periods of insurance in Poland to satisfy the requirements for entitlement to this benefit, the competent institution also takes into account periods of Australian working life residence for the purpose of establishing entitlement to the pension (totalisation).

Example

When 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 Poland (contributory and non-contributory period) required to be awarded the old-age pension under the Polish legislation, ZUS will also take into account periods of Australian working life residence and will check if – after aggregation – the man satisfies the eligibility requirements for the Polish old-age pension.

The old-age pension from ZUS in respect of totalised Polish insurance periods and periods of Australian working life residence is payable irrespective of the beneficiary's place of residence (i.e. in Poland, in Australia or in the third State).

However, the right to the disability pension and survivor's pension from ZUS in respect of aggregated Polish insurance periods and periods of Australian working life residence is payable only to beneficiaries living in Poland.

► **Calculation of the amount of a pension from ZUS established with consideration of periods of Australian working life residence – the so-called pro-rata pension**

Where entitlement to a pension from ZUS depending on the duration of insurance periods is established with consideration of periods of Australian working life residence, the benefit is calculated in the following way:

- first, a notional (full) amount of the pension is calculated which would be applied if all periods of coverage subject to totalisation under the Agreement were the periods of insurance in Poland,
- subsequently, on the basis of that notional amount, the actual (pro-rata) amount of the pension is calculated, based on the proportion of the period of insurance in Poland to the total of all periods of insurance in Poland and periods of Australian working life residence.

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

The notional (full) amount of the old-age pension depending on the duration of periods of insurance is established taking into consideration the following components:

- 24% of the base amount,
- 1.3% of the pension assessment basis for each full year of contributory periods completed in Poland and periods of Australian working life residence – taking into account full months,
- 0.7% of the pension assessment basis for each full non-contributory year completed in Poland – taking into account full months.

And the notional (full) amount of the disability pension is established taking into consideration the following components:

- 24% of the base amount,
- 1.3% of the pension assessment basis for each full year of contributory periods completed in Poland and periods of Australian working life residence,
- 0.7% of the pension assessment basis for each full non-contributory year completed in Poland,
- 0.7% of the pension assessment basis for each year short of full 25 years of Polish contributory and non-contributory periods and periods of Australian working life residence, from the day of claiming the benefit to the day when the pensioner would reach, as indicated in Article 24 paragraph 1a of the pension law⁴ the standard retirement age⁵, specified for women – ultimately 67 years (the so-called hypothetical periods).

Then, on the basis of the notional (full) amount of the pension, calculated under the aforementioned principles, an actual (pro-rata) amount is calculated – a pro-rata pension payable by ZUS, based on the proportion of the period of insurance in Poland to the total of periods of insurance in Poland and periods of Australian working life residence.

Example 1

Where ZUS has determined an old-age pension of a man born before 1 January 1949 based on periods of insurance in Poland (15 years) and periods of Australian working life residence (10 years) in total duration of 25 years, the Polish old-age pension will be calculated in the following way:

- *first, ZUS will determine a notional (full) old-age pension amount which would be awarded to the person concerned for the total period of 25 years (insurance period in Poland and the period of Australian working life residence),*

⁴ The Act of 17 December 1998 on pensions from the Social Insurance Fund (Journal of Laws of 2013, Text 1440 as amended).

⁵ The standard retirement age of women 60 years and men 65 years is gradually being increased until the age of 67 years for both sexes. The retirement age tables are available on the website www.zus.pl.

- subsequently, based on the notional amount, ZUS will determine the actual (pro-rata) amount of the pro-rata old-age pension based on the proportion of the period of insurance in Poland to the total of Polish and Australian periods; in the described case it will be 15/25 of the notional amount, because the person concerned has accumulated 15 years of Polish insurance periods, and a total of 25 years of periods under the legislation of Poland and of Australia. The person concerned will be awarded the pro-rata old-age pension determined in this way.

Example 2

In November 2014 ZUS is to establish the disability pension entitlement of a 50-year old woman living in Poland. The woman concerned has documented the following periods:

- in Poland – 4 years, of which 3 years of contributory periods and 1 year of non-contributory periods,

- in Australia – 2 years of periods of Australian working life residence.

In this case the disability pension will be calculated in the following way:

- first, ZUS will determine a notional (full) amount of the disability pension that would be awarded to the person concerned if a total insurance period of 6-year duration (in Poland and in Australia) was completed in Poland; for this purpose it will take into consideration contributory periods completed in Poland and periods of Australian working life residence (a total of 5 years) and non-contributory periods (1 year in Poland) and will determine: an amount corresponding to 1.3% of the pension assessment basis for each year of the contributory period completed in Poland and the period of Australian working life residence, an amount corresponding to 0.7% of the pension assessment basis for each Polish non-contributory year, and an amount corresponding to 0.7% of the basis of pension assessment for each year of a period short of full 25 years of Polish and Australian periods, from the day of claiming the benefit to the day when the pensioner would reach, as indicated in Article 24 paragraph 1a of the pension law, the standard retirement age specified for women (the so-called hypothetical periods).
- subsequently, based on the notional amount, ZUS will determine the actual (pro-rata) amount of the pro-rata disability pension corresponding to the ratio of Polish periods of insurance to the total of Polish insurance periods and periods of Australian working life residence; in the described case it will be 4/6 of the notional amount, because the person concerned has accumulated 4 years of insurance periods under the legislation of Poland, and a total of 6 years of insurance periods in Poland and in Australia; hypothetical periods are not taken into account in this case.

Assuming that the notional amount of the disability pension would equal PLN 1800, actual amount of the pro-rata disability pension will equal: $PLN\ 1800 \times 4/6 = PLN\ 1200$.

In effect the person concerned will be awarded the pro-rata disability pension determined in this way in the amount of PLN 1200.

The above information – regarding determination of the pro-rata benefit – is not applicable to the so-called “new” old-age pension from ZUS, from the defined-contri-

bution system, which is awarded to persons born after 31 December 1948, including a partial pension⁶ and to pensions for survivors of the mentioned persons (such pensions are determined based on the amount of contributions accumulated on account of the insured person in ZUS and the amount of the initial capital determined on the basis of contributory and non-contributory periods completed in Poland before 1 January 1999 and the amount of funds credited on the sub-account).

The partial pension amounts to 50% of the pension calculated entirely in the above mentioned way.

The mentioned benefits are determined based only on the Polish insurance periods (without consideration of periods of Australian working life residence). The rules governing pro-rata pensions, based on the ratio of Polish insurance periods to the total of all periods of insurance in Poland and periods of Australian working life residence, are not applicable to them.

Example

Where an old-age pension is granted by ZUS under the new rules to a man born in December 1950 who has reached the standard retirement age of 66 years and has accumulated a 5-year insurance period in Poland, completed from 1997 to 2001, as well as 10-year period of Australian working life residence, ZUS will determine the amount of the benefit based only on the Polish insurance periods.

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, the amount of contributions paid to the old-age pension insurance in Poland after indexation and the amount of funds credited on the sub-account) by average life expectancy⁷ for persons of the age at which the insured person retires.

► Calculation of the amount of a pension from ZUS without consideration of periods of Australian working life residence – the so-called national pension

Where entitlement to a pension from ZUS is established without taking into account periods of Australian working life residence, the amount of the benefit is calculated based only on the Polish insurance periods (national pension).

⁶ The partial pension may be granted to women born after 31 December 1958 (who have reached the age of 62 years and proven at least 35 years of an insurance period) and men born after 1948 (who have reached the age of 65 years and have at least 40 years of an insurance period) and who have not reached the general retirement age.

⁷ 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 totalised Polish insurance periods and periods of Australian working life residence (a pro-rata pension), and – if it is higher than the pension amount calculated only on the basis of Polish insurance periods (national pension) – the person concerned will be awarded the pro-rata pension.

Example 1

If the disability pension is granted by ZUS to a person living in Poland, who has accumulated a 10-year period of insurance in Poland (which is sufficient to acquire the right to such pension), but also a 5-year period of Australian working life residence, ZUS will calculate the benefit amount in the following way:

- *first, a national disability pension will be determined – based only on the Polish insurance period, equal to 10 years,*
- *secondly, a pro-rata disability pension will be determined – based on periods of insurance in Poland and periods of Australian working life residence, in total duration of 15 years; i.e. first a notional amount of the disability pension on the basis of a totalised 15-year period accumulated under the legislation of both Parties to the Agreement will be calculated, and then the pro-rata disability pension, corresponding to the ratio of insurance periods in Poland to the total of insurance periods in Poland and periods of Australian working life residence, which in the described case equals 10/15 of the notional amount will be calculated,*
- *finally, amounts of the national disability pension and the pro-rata disability pension will be compared and the benefit in amount more favourable to the person concerned will be determined.*

Example 2

If an old-age pension is granted to a woman born before 1 January 1949, who has accumulated a 20-year period of insurance in Poland (which is sufficient to acquire the right to such pension), but also a 4-year period of Australian working life residence, ZUS will determine the benefit amount in the following way:

- *first, a national old-age pension will be determined – based only on the Polish insurance period, amounting to 10 years,*
- *then, a pro-rata old-age pension will be determined – based on periods of insurance in Poland and periods of Australian working life residence, in total duration of 24 years; i.e. first a notional (full) amount of the old-age pension on the basis of a totalised 24-year period accumulated under the legislation of both Parties to the Agreement will be calculated, and then the pro-rata old-age pension, which in the described case equals 20/24 of the notional amount will be calculated,*

- *finally amounts of the national old-age pension and the pro-rata old-age pension will be compared and the benefit in amount more favourable to the person concerned will be determined.*

► **Determination of a supplement to the Polish minimum old-age pension to persons living in Poland**

Persons living in Poland who receive the old-age pension from ZUS and the age pension from Australia 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, 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 old-age pension awarded under the earlier rules to bring the benefit up to the level of the Polish minimum old-age pension is granted by ZUS if the pensioner:

- lives in Poland and
- receives from ZUS an old-age pension determined in pro-rata amount, based on the ratio of Polish insurance periods to the total of all periods of insurance in Poland and periods of Australian working life residence and
- receives the age pension from Australia.

The supplement will be a difference between the amount of the minimum Polish old-age pension and an aggregated amount of the Polish pro-rata old-age pension and Australian age pension received by the person concerned.

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 provided 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 (in years 2014–2022 the insurance period required for women will be gradually increased to 25 years) and 25 years for men.

Where a person who lives in Poland satisfies the above mentioned condition of the length of insurance periods – only after taking into account periods of Australian working life residence, the supplement will be a difference between the amount of the minimum Polish old-age pension and a totalised amount of the Polish old-age pension and the Australian age pension.

Example

A 60-year old woman, born in 1949, who lives in Poland and has accumulated a 10-year period of insurance in Poland and also a 12-year period of Australian working life residence, has been granted by ZUS an old-age pension from the Social Insurance Fund under the new rules, determined in amount lower than the minimum Polish old-age pension. She will receive a supplement to bring the benefit up to the level of the Polish minimum old-age pension if a total amount of the Polish and Australian old-age pension is lower than the minimum old-age pension under the Polish legislation. The supplement will be equal to a difference between the amount of the minimum Polish old-age pension and an aggregated amount of the Polish and Australian old-age pension received by the person concerned.

If persons concerned who live in Poland, have accumulated insurance periods in Poland and periods of Australian working life residence, of total duration of at least 20 years for women (in years 2014–2022 the insurance period required for women will be gradually increased to 25 years) and 25 years for men, and were awarded by ZUS the old-age pension from the Social Insurance Fund under the new rules in amount lower than the minimum Polish old-age pension, and if these persons are also entitled to a periodic funded pension, a supplement to bring the benefit up to the level of the Polish old-age minimum pension will be equal to a difference between the amount of the minimum Polish old-age pension and a totalised amount of the “new” old-age pension from the Social Insurance Fund, periodic funded pension and the Australian age pension received by the person concerned.

The rules for determining a payment to a minimum do not apply to a partial pension. In addition, the periodic funded pension shall not be increased to the amount of the minimum retirement amount.

► The assessment basis for the old-age pension under the old rules or the disability pension for persons who have accumulated – apart from the Polish insurance periods – also periods of Australian working life residence

The old-age pension under the so-called old rules⁸ or the disability pension – for persons who have accumulated – apart from the Polish insurance periods – also periods of Australian working life residence – is calculated 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

⁸ This rule applies to persons born before 1 January 1949 and certain persons born after 31 December 1948 but before 1 January 1969.

directly preceding the year when the pension claim was filed. The mentioned 10 calendar years are determined without consideration of full calendar years of Australian working life residence.

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 the social insurance in Poland, the pension will be assessed on an average basis for the social insurance contribution assessment under the Polish legislation, from the period of 10 consecutive calendar years directly preceding the one in which the person concerned had commenced the period of Australian working life residence.

On the request of the person concerned, as the 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.

Pensions for survivors of persons whose right to the old-age pension under the old rules or to the disability pension has been established before their death, or who have satisfied the requirements to qualify for such benefits, are calculated based on the assessment basis of benefits for which the deceased person was or could be eligible.

► **The calculation basis of the old-age pension under the new rules for persons who have accumulated – apart from the Polish periods of insurance – periods of Australian working life residence**

The old-age pension under the new rules⁹ is equivalent to the amount representing the result of dividing the assessment basis by the average life expectancy¹⁰ for persons of the age at which the insured person retires.

The calculation basis of the old-age pension under the new rules is the total amount of contributions paid to the old-age pension insurance after indexation, the amount of the indexed initial capital and the amount of funds credited on the sub-account.

The partial pension **amounts to 50% of the pension** calculated entirely according to the above mentioned principles.

The calculation basis of the pensions for survivors after persons whose right to the old-age pension has been established before their death under the new rules or who have satisfied the requirements to qualify for such benefit, are based on

⁹ This rule applies to persons born after 31 December 1948.

¹⁰ See footnote 3.

the basis for calculating the benefit for which the deceased person was or could be eligible.

Periods of Australian working life residence are not taken into account to establish the calculation basis of the old-age pension under the new rules including a periodic funded pension and the pension for survivors of persons whose right to the old-age pension has been established before their death under the new rules or who have satisfied the requirements to be granted such benefit.

► **Minimum Polish insurance period**

Pursuant to the Agreement, where a Polish insurance period is shorter than 1 year and based on that period there will be no eligibility for Polish pension, ZUS is not under obligation to award such benefit.

Example

Thus, if for example an employment (insurance) period of a claimant for the disability pension is shorter than 1 year (not sufficient to acquire the right to the Polish benefit), but the claimant has completed 15 years of periods of Australian working life residence, ZUS is not under obligation to award the Polish disability pension taking into account the period of Australian working life residence.



Disability pension in respect of accident at work or occupational disease

Entitlement to Polish pensions for work accidents and occupational diseases is established by a Polish competent institution only when the insured person was subject to the Polish legislation at the time of the work accident or while performing the work as a result of which the occupational disease arose. Disability pension in respect of accident at work or occupational disease is determined pursuant only to the Polish legislation.



Funeral benefit

The right to the Polish funeral grant is established and the grant is payable by the Social Insurance Institution, applying only the Polish legislation.



Pension from ZUS for persons who have accumulated only Polish insurance periods and live in Australia

Where a pension claimant has accumulated only periods of insurance in Poland but lives in Australia, pension entitlement is established only by the Polish competent institution, that is an institution obliged to examine a given application in Poland (ZUS or KRUS respectively).

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

Pursuant to the Agreement such pension awarded in Poland may be transferred to the person concerned to his or her place of residence in Australia.



Where to file a pension claim?

► Examination of benefit entitlements in both States

A person who has accumulated insurance periods in Poland and periods of Australian working life residence may file his or her old-age pension claim with the insurance institution of one of States-Parties to the Agreement. It means that it is not necessary to lodge a separate claim in each State.

The old-age pension claim lodged with the institution of one of States-Parties automatically triggers off **the old age pension awarding procedure** in both States-Parties to the Agreement, and the date on which the claim was lodged is binding upon institutions of both States. However, the following requirements must be met: the claimant must indicate in his/her claim that s/he was covered by the social security system of both States, and the institution of the other Party should receive the request from the institution where it was lodged within 6 months.

The claim for the disability or survivor's pension lodged with ZUS does not trigger off the procedure of awarding pension from the Australian insurance institution. However, the claim for the disability or survivor's pension from ZUS lodged with the Australian insurance institution triggers off ZUS pension procedure and the date on which the claim was lodged is binding upon ZUS provided that ZUS receives the request from the Australian institution within 6 months.

The request for benefits awarded by ZUS should include appropriate ID numbers, and namely: **statistical identification number PESEL**, or – if a person such number

have not been granted – **series and number of national ID card or passport** (also foreign passport). You should also give a Polish tax file number NIP in the case of a person for whom the tax payer identifier is NIP.

► A person who lives in Poland

Where a person who lives in Poland **has accumulated insurance periods in Poland and periods of Australian working life residence**, s/he may file the pension claim with a competent Polish insurance institution, i.e. ZUS or KRUS, depending on the system that s/he has been lately covered by.

A competent ZUS institution to examine pension claims under the Polish-Australian Agreement on social security is **ZUS Branch in Nowy Sącz – Division for Implementation of International Agreements** (see: p. 19).

A person living in Poland may lodge the pension claim directly with the aforementioned ZUS unit or through the nearest ZUS body in his/her place of residence.

An applicant lodging with ZUS a claim for benefits under the Agreement must complete a relevant form of request for the Polish benefit provided by ZUS:

- ZUS Rp-1E (*Wniosek o emeryturę* – Request for Polish old-age pension),
- ZUS-ER-WEC-01 (*Wniosek o emeryturę częściową* – Request for a partial pension),
- ZUS Rp-1R (*Wniosek o rentę z tytułu niezdolności do pracy* – Request for Polish disability pension),
- ZUS Rp-2 (*Wniosek o rentę rodzinną* – Request for Polish survivor's pension).

The following should be appended to the request: ZUS Rp-6 questionnaire and documents justifying the right to Polish benefits and enabling calculation of their amount (such as: insurance cards, employment certificates, ZUS certificates Rp-7, excerpts of registry office records, relevant medical documentation),

Besides, the Australian age pension claimant who lives in Poland must attach form AU-PL3 (*Claim for Australian Age Pension*) and form AU-PL4 (*Income and assets MOD IA*).

Forms of ZUS applications and questionnaires as well as forms AU-PL3 and AU-PL4 are available in ZUS units and at the website of the Social Insurance Institution.

After initiating the procedure ZUS forwards the claim for the Australian age pension to be examined by the competent Australian institution – **Department of Human Services (DHS)** in Hobart (see: p. 20). The date on which the claim for age pension was lodged with ZUS is binding upon the Australian institution provided that the Australian institution receives the request from ZUS within 6 months.

A person living in Poland may also lodge his or her claim for benefits from Poland and Australia with the Australian institution. In such case the claim, insofar as the claimant is entitled to the age pension in Australia, will be inves-

tigated by the Australian institution – Department of Human Services, whilst regarding benefits awarded by virtue of the Polish legislation, the request shall be transferred for examination by the competent Polish institution, i.e. ZUS or KRUS respectively.

A person who lives in Poland and has accumulated only **periods of Australian working life residence**, must lodge his or her claim for Australian benefits directly with the Australian institution. The claim may be also filed through ZUS which will transmit it to the competent institution in Australia.

Persons living in Poland should draw up their application for the funeral grant from ZUS pursuant to the Polish legislation. For this purpose ZUS form Z-12 may be used (*Wniosek o wypłatę zasiłku pogrzebowego* – Application for payment of the funeral grant).

► A person who lives in Australia

A person who lives in Australia and has accumulated **insurance periods in Poland and periods of Australian working life residence**, must lodge his or her pension claim with a competent field office of the Australian institution Department of Human Services. For the purposes of the Polish benefit payable by ZUS the claimant should complete the following forms:

- PL-AU 3 (*Request for Polish old-age / disability pension*),
- PL-AU 4 (*Request for Polish survivors' pension*).

Appropriate forms are available in Department of Human Services in Hobart (see: p. 20). They are also available at the website of the Social Insurance Institution: www.zus.pl.

The request should be accompanied with documents justifying the right to Polish benefits and enabling calculation of their amount. Employment periods should be documented by means of: certification of employment issued by employers, employment certificates or insurance identification with entries on employment made during employment period or upon its termination.

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 s/he 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 re-

ceived 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.

Persons claiming Polish disability benefits who lodge their claims with the Australian institution should also append available medical documentation.

Persons living in Australia who file their claim for the funeral grant from ZUS with the Australian institution Department of Human Services, must complete form PL-AU 5 (*Request for payment of Polish funeral grant*).

Appropriate forms are available in Department of Human Services in Hobart (see: p. 20). They are also available at the website of the Social Insurance Institution: www.zus.pl.

After initiating the procedure, the Australian institution forwards the claim for a Polish benefit for investigation by the competent Polish institution, i.e. ZUS or KRUS respectively. The date on which the claim was lodged with the Australian institution is binding on ZUS (or KRUS) provided that ZUS (or KRUS) receives the request from the Australian institution within 6 months.

A person who lives in Australia may also file a claim for Polish and Australian benefits with ZUS. In such situation a claim for Polish benefits will be investigated by ZUS and a claim for the Australian age pension will be forwarded for investigation by the competent Australian institution.

A person who resides in Australia and **has accumulated only Polish insurance periods** should submit his or her claim for Polish benefits directly to the Polish institution. Such claim may be also submitted through the Australian institution which will forward it to the competent institution in Poland, i.e. ZUS or KRUS.

► A person who lives in the third State

A person concerned who lives in the third State (other than Poland and Australia) must file the claim for a benefit in respect of insurance periods in Poland and periods of Australian working life residence with the competent Polish or Australian institution, depending on the State in which the claimant has been recently covered by social insurance.

Claims should be lodged with the competent institution of a given State under the principles laid down in the national legislation applied by this institution. The procedure of filing the claim has been earlier described.

However, the benefit claim may be also lodged with the institution of the chosen State: Poland or Australia.



Appeals against ZUS decisions in pension issues lodged by persons living in Australia

Appeals against ZUS decisions in pension issues may be filed with a competent Court for Labour and Social Insurance through ZUS pension body which has issued a decision, within one month from the day of receipt of the decision.

Persons who live in Australia may file an appeal against ZUS decision – within the above mentioned time limit – also through the Australian social security institution, which will transmit the appeal to a competent ZUS unit.



Pension transfer by ZUS to a person who lives in Australia

ZUS benefit for an eligible person who stays in Australia may be transferred, depending on instructions given to ZUS:

- in Poland – into a payment account of a pensioner/retiree or his/her bank account, other than the payment account, or into a payment instrument indicated by him/her, established in the country, where money is stored or to a person authorised by the pensioner/retiree, who lives in Poland, or
- in Australia – to pensioner's bank account in Australia.

A pension awarded by ZUS may be transferred to the person who stays in Australia to his or her place of residence. An application for pension transfer to Australia may be filed with ZUS branch which has awarded or has been earlier paying the benefit. In the latter situation the case is transmitted to ZUS Branch in Nowy Sącz – Division for Implementation of International Agreements. An application for pension transfer may be also filed directly with this ZUS unit.

A form of the claim for benefits payment to a foreign bank account is available on the ZUS website.

The pension is payable on a monthly basis on a day fixed in ZUS decision as the date of benefit's payment. Where the pension amount transferred to Australia 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 pension is transferred to Australia, the date of bank transfer is deemed to be the payment date.

To persons residing in Australia an old age or disability pension is transferred – in accordance with the tax legislation – without deduction of an advance on income tax in Poland (in gross amounts).

Detailed information on taxes imposed on Polish pensions payable to persons who live in Australia and on the applicability of the Polish-Australian convention 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: hotline: (+48) 801 055 055 (stationary telephone) and (+48) 22 330 03 30 (mobile telephone or from abroad).

No health insurance contribution to the National Health Fund (Narodowy Fundusz Zdrowia – NFZ) is imposed on pensions transferred by ZUS to beneficiaries who live in Australia. More detailed information in this regard is available in a competent NFZ branch or in NFZ headquarters. MOW NFZ hotline: (+48) 22 572 63 73 and (+48) 22 456 74 01, website: www.nfz-warszawa.pl and hotline: (+48) 22 572 60 42, e-mail: infolinia@nfz.gov.pl.



Impact of Australian pensions on the entitlement to and amount of the pension received from ZUS

The fact that a person with established entitlement to ZUS pension also receives pension from Australia does not result in reduction in or suspension of the right to pension from ZUS.



Impact of earnings from activity carried out in Australia 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, for example in Australia. The level of such incomes may affect the due amount of ZUS pension. If the amount of foreign incomes exceeds:

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

These rules are not applicable to old-age pensioners who have established the right to a partial pension or have reached the statutory retirement age.



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, change in place of residence, changes in a number of bank account, undertaking employment or other gainful activity, the fact of receiving income resulting in benefit reduction or suspension (applicable both to income from activity carried out in the territory of Poland and abroad).

ZUS pensioners are under obligation – on demand of the pension body – to certify further entitlement to benefit with their own signature. ZUS body paying benefits to persons who live in Australia sends them periodically a form titled *Declaration of living and residence* to be completed and sent back to ZUS.

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 the beneficiary. In both cases the signature should be certified by a competent body or an authorised person in the beneficiaries' place of residence or by an authorised 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,
- ZUS Branch in Nowy Sącz – Division for Implementation of International Agreements (ZUS Oddział w Nowym Sączu – Wydział Realizacji Umów Międzynarodowych, ul. Węgierska 11, 33-300 Nowy Sącz) which plays a role of a competent institution to investigate pension claims and to transfer them under the Polish-Australian Agreement,
- ZUS Call Center:
 - 801 400 987 – with national landlines
 - (+48) 22 560 16 00 – with mobile phones and with domestic and foreign landlines

— Skype: [zus_centrum_obsługi_tel](https://www.skype.com/name/plus/zus_centrum_obsługi_tel)

— e-mail: cot@zus.pl

- Consultants can help you on working days from Monday to Friday 7⁰⁰–18⁰⁰,
- Foreign Pensions Department in ZUS Headquarters performing the tasks of a liaison institution in the scope of pension benefits subject to coordination on the basis of the Agreement, cooperating with an Australian liaison institution (ZUS Departament Rent Zagranicznych, ul. Senatorska 10, 00-082 Warszawa, e-mail: drz@zus.pl).

Information on Australian benefits may be obtained from:

- Department of Human Services, GPO Box 273, Hobart TAS 7001, Australia, tel.: +61 3 6222 3455, fax: +61 3 6222 2799, e-mail: international.services@human.gov.au, website: www.human.gov.au.

Warsaw, February 2014

Zakład Ubezpieczeń Społecznych (Departament Rent Zagranicznych)
ul. Senatorska 10, 00-082 Warszawa,

Typesetting: Poligrafia ZUS w Warszawie, edition of 10 000 copies, order No. 367/14.