

The Polish Social Insurance Institution (ZUS)

Persons employed and covered by social insurance in Poland who lose their earning capacity may acquire the right to a ZUS pension in respect of an incapacity for work (disability pension) if they satisfy the requirements under the Act of 17 December 1998 on pensions from the Social Insurance Fund (hereinafter referred to as the Pension Act)¹.

Information on the qualifying conditions for a ZUS disability pension as well as the rules governing the calculation of its amount may be found in a separate leaflet titled: *Disability pension*, which is available in ZUS units and at the website www.zus.pl.

Persons who have lost their earning capacity and have been (or presently are) working or living abroad in other Member States of the European Union (EU) or the Member States of the European Free Trade Association (EFTA), may be covered by the EU coordination of social security schemes.

The EU Regulations on coordination concern migrants for employment moving within the UE / EFTA Member States (see: page 2). They are inter alia aimed to facilitate the acquisition of pension entitlements and the receipt of benefits from 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 and the European Free Trade Association**, and who:

- reside abroad in Member States and claim a disability pension on the basis of periods of employment (insurance) only in Poland,
- claim a disability pension on the basis of periods of employment (insurance) in Poland and abroad in other Member States, irrespective of their place of residence,

¹ Journal of Laws /Dz.U./ of 2013, Text 1440 as amended.

- reside abroad in Member States and are interested in the transfer of their disability pension as received from ZUS to their state of residence.

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



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

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

For coordination purposes also the non-EU **Member States of the European Free Trade Association**: Iceland, Liechtenstein, Norway and Switzerland are regarded as EU Member States. They have been covered by the EU regulations on coordination.

All the aforementioned states are further referred to as the "Member States".



Who takes advantage of the EU coordination in the field of disability pensions?

The EU coordination in the field of disability pensions covers:

- **nationals of EU / EFTA Member States** (including Polish nationals),
- **stateless persons** (i.e., persons not being nationals of any state), persons holding a **refugee status** in the territory of EU / EFTA Member States, if they reside in the territory of any Member State,
- **nationals of third states**, i.e. non-Member States of the EU / EFTA, if they reside in the territory of any Member State; however the coordination does not cover nationals of third states living in Denmark, Iceland, Liechtenstein, Norway or in Switzerland or those who have completed insurance or residence periods in those states.

Example:

A disability pension – subject to EU coordination – may be claimed by a Polish national who has been employed and covered by social insurance in Poland, in the Czech Republic and in Germany. However, a national of Belarus living in his country, who has been employed and

covered by social insurance in Poland and in the Czech Republic, cannot take advantage of the EU coordination, being a national of a third state.

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

Example:

The EU coordination in the field of disability pensions will cover an individual who has been first covered by the social insurance system in the Czech Republic – for 5 years as a person employed, and then in Poland – for 10 years as a self-employed person working outside of agriculture.



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 s/he were a national of that state – both when claiming the disability pension in that state and while receiving the awarded benefit.



Disability pensions for persons who have completed periods of insurance in Poland and in other Member States

► Establishment of the disability pension entitlement in each Member State where the claimant was insured

EU / EFTA Member States have not established any supranational scheme that would guarantee disability (invalidity) pensions. Each of the Member States independently specifies persons eligible for a disability (invalidity) pension after they have satisfied the qualifying conditions.

An individual who has been employed and insured in Poland and in other Member States **may acquire the disability pension both from Poland and from each other Member State** where s/he has been insured, after satisfying the qualifying conditions in those states. Entitlements to these separate benefits are established by the relevant institutions of a given state. If two or more disability (invalidity) pensions are awarded,

their payment is usually carried out separately by each institution which has established the right to such a benefit.

Example:

If a pension claimant has completed employment (insurance) periods in Poland and in other Member States, e.g., the Netherlands, Greece and Norway, his/her pension entitlement is established in parallel by the insurance institutions of each of those states.

It is thus possible that the person concerned satisfies the qualifying conditions in several Member States where s/he has been covered by the national social insurance system and so receives separate pensions from those states.

► **Taking into consideration (aggregation) of foreign insurance periods**

It happens that a person claiming a disability (invalidity) pension in one Member State has not accumulated sufficient periods of insurance (residence) to satisfy the requirements for an entitlement to this benefit. In such a situation, in order to award the pension, the competent institution also takes into account (aggregates) the foreign periods of insurance (residence) in all other Member States.

Example:

If a 40-year old person claiming a pension from ZUS has not completed the 5-year insurance period in Poland (contributory and non-contributory) required to be awarded the disability pension under Polish legislation, ZUS will also take into account (aggregate) the foreign periods of insurance (residence) of the person concerned in other Member States (e.g., in Austria, Germany, or Ireland) and will check if – after aggregation – the eligibility requirements for the Polish pension are satisfied.

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

Both insurance and residence periods completed abroad are aggregated by ZUS to the amount certified by the foreign state social insurance institution where they have been completed. Such periods must be certified on special EU forms, issued – at ZUS's request – by a social insurance institution of the given Member State and forwarded to ZUS.

► **Taking into account an incapacity for work which occurred during foreign insurance periods**

It may happen that an individual who has been employed in several Member States may not be awarded the disability (invalidity) pension in one of them because s/he became incapable of work during employment (insurance) in another state than the state in whose institution the pension entitlement is being determined.

In this case, pursuant to EU regulations, while establishing a pension entitlement ZUS must also take into consideration any incapacity for work that occurred during a foreign insurance period in another Member State. Such an incapacity for work must be approved by a ZUS appointed evaluating doctor or by a ZUS medical board.

This means that a qualifying condition for the awarding of a pension under Polish regulations, i.e., the occurrence of an incapacity for work within the period of insurance in Poland or within other periods listed in the Law, or within 18 months after the cessation of these periods, will be met and satisfied if the incapacity for work occurred during the period of insurance abroad in another Member State (e.g., in France) or not later than within 18 months after the cessation of this period.

Example

ZUS will regard the qualifying condition of an incapacity for work occurring during the period of insurance in Poland as satisfied if a ZUS appointed evaluating doctor or ZUS medical board confirms that a given person, who admittedly had not been covered by social insurance in Poland during the recent 10 years, became incapable of work during his/her employment and social insurance coverage in Ireland (an EU Member State).

► Determination of a pro-rata disability pension if the pension entitlement was established through taking into consideration foreign insurance or residence periods in Member States

Pursuant to EU regulations, where entitlement to a disability (invalidity) pension in a given Member State is established with consideration of the foreign periods of insurance or residence of the person concerned in other Member States, the amount of the benefit is calculated in the following way:

- First, a competent institution of the state which has established the disability pension entitlement determines a theoretical (full) amount of the benefit which would be awarded to the person concerned if all the periods of insurance and residence had been completed in that state.
- Subsequently, based on the theoretical amount, the competent institution calculates the actual amount of the pro-rata benefit corresponding to the ratio between the insurance periods in the state which has established the entitlement to the pension and the total of all the insurance periods completed in all Member States concerned.

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

The ZUS disability pension amount is calculated on the basis of the earlier rules and depends on the so-called base amount, the basis for pension assessment and the length of contributory and non-contributory periods. To calculate the pro-rata disability pension, the theoretical amount for the disability pension must be initially calculated.

For this purpose the pension is calculated in the following way:

- 24% of the base amount, and
- 1.3% of the basis for pension assessment for each contributory year (Polish and foreign),
- 0.7% of the basis for pension assessment for each non-contributory year (Polish and foreign),
- 0.7% of the basis for pension assessment for each year short of the full 25 years of contributory and non-contributory periods (Polish and foreign), from the day of claiming the benefit to the day when the pensioner would reach the statutory retirement age,² specified ultimately in Article 24 (1)(a) of the Pension Act³ both for women and men at 67 years (the so-called hypothetical periods).

In this manner the theoretical amount of the disability pension is established and on its basis an actual – pro-rata – amount of the disability pension is calculated, corresponding to the ratio between the duration of the Polish insurance periods and the total duration of the Polish and foreign insurance periods.

Example

ZUS determined in 2013 the disability pension entitlement of a 50-year-old woman in respect of disability, taking into consideration foreign insurance periods completed in Austria.

The woman has accumulated the following periods of insurance:

- *social insurance periods in Poland amounting to 4 years, of which 3 years of contributory periods and 1 year of non-contributory periods,*
- *social insurance (contributory) periods in Austria amounting to 2 years.*

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

- *first, ZUS will determine the theoretical (full) amount of the disability pension that would be awarded to the person concerned for a total 6-year period of insurance (in Poland and in Austria) as if that period were completed in Poland. For this purpose ZUS will take into consideration the contributory insurance periods in Austria as if they were completed in Poland, and when calculating the theoretical amount of the benefit it will multiply the basis for pension assessment by 1.3% of the basis of its assessment for each contributory year completed both in Poland and in Austria, to establish a part of the disability pension depending on non-contributory periods,*
- *subsequently, based on the theoretical amount, ZUS will determine the actual amount of pro-rata disability pension corresponding to the ratio between the Polish insurance periods and the total duration of Polish and foreign insurance periods. In the described case it will be 4/6 of the theoretical amount, because the person concerned has completed 4 years of the insurance periods in Poland and a total of 6 years of the insurance*

² The statutory retirement age: 60 years – for women, 65 years – for men is gradually being increased to reach the age of 67 years for both sexes.

³ The Act of 17 December 1998 on pensions from the Social Insurance Fund (Journal of Laws of 2013 No 153, Text 1440 as amended). Old-age tables are available at the website: www.zus.pl.

periods completed in Poland and in Austria – hypothetical periods are not taken into account here. Assuming that the hypothetical amount of the pension would equal in this case PLN 1800, the 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 to the amount of PLN 1200.

► **Calculation of a disability pension established without consideration of foreign insurance or residence periods**

Disability pensions are determined by ZUS in accordance with the principle that if foreign insurance (residence) periods are not necessary to acquire the right to the disability pension, the disability pension amount is calculated only on the basis of the insurance periods completed in Poland (national disability pension), without consideration of the foreign periods of coverage within other Member States.

However, in this case ZUS also determines the disability pension amount that would be awarded on the basis of the aggregated periods of insurance (a pro-rata disability pension). If it proves to be higher than the amount of the national disability pension calculated only on the basis of Polish insurance – the person concerned will be awarded the pro-rata disability pension.

Example

If ZUS accepts the 10-year insurance period completed by a 38-year old man in Poland as sufficient to acquire the right to a disability pension and awards the disability pension upon the claim that the man concerned filed in 2014, and it turns out that the man has also completed a 2-year period of insurance in Ireland and a 3-year insurance period in Sweden, ZUS will calculate the pension amount in the following way:

- *On the one hand it will determine the national (full) disability pension – based only on the Polish periods of insurance, amounting to 10 years.*
- *On the other hand it will determine a pro-rata disability pension – on the basis of aggregated insurance periods in Poland, in Ireland and in Sweden, amounting to 15 years, i.e., first it will calculate the theoretical amount of the disability pension taking into consideration insurance periods completed abroad and subsequently it will calculate the pro-rata disability pension (in the described case – 10/15 of the theoretical amount).*
- *Subsequently ZUS will compare both amounts – that of the national disability pension and of the pro-rata disability pension – and will award the benefit to the amount most favourable to the person concerned.*

► **Periods of insurance of less than one year**

Where the person concerned was insured (resident) in a Member State for a period of less than one year, no disability pension entitlement is established in this state if its legislation does not provide for the awarding of a pension in respect to so short

an insurance period. However, this period will not be lost. If a competent institution of another Member State awards the pension, it will be obliged to aggregate equally such a short foreign period when calculating the amount of the pension and to pay out the benefit for this period.

Thus, if the disability pension is established for a person who has equally completed foreign periods of insurance of less than 1 year in another Member State, not entitling them to the right to the benefits in that state, ZUS will increase the amount of the Polish disability pension by taking into consideration the value of such period.

Example

If a pension claimant has completed, beside the employment (insurance) periods in Poland, also an insurance period in Lithuania of less than 1 year, not entitling them to a pension under Lithuanian legislation, ZUS, having awarded the disability pension in Poland, will take into consideration – when calculating its amount – also the Lithuanian insurance period without calculating the pro-rata disability pension.

► Receiving foreign pensions by a ZUS pensioner

The fact that a person with established entitlement to a disability pension is also a recipient of a pension from another Member State does not result in a reduction or suspension of the right to a disability pension from ZUS.



Disability pension for persons residing in Member States other than Poland, who have completed only Polish insurance periods

Where an individual applying for a disability pension, who was insured (employed) only in Poland, lives abroad in another Member State, only the Polish institution will be competent to establish the right to the disability pension, i.e., ZUS or KRUS respectively or a pension body of the so-called uniformed services.

Having satisfied the requirements under Polish legislation the mentioned person may be granted a disability pension in Poland.



Evaluation of the incapacity for work for disability pension purposes

A person incapable of work is understood to be an individual who has lost, completely or partly, their earning capacity due to a disturbance in body fitness, and vocational retraining does not allow for the restoration of his/her earning capacity.

We distinguish:

- complete incapacity for work – certified in the case of an individual who has lost their capability for any work, or
- partial incapacity for work – certified in the case of an individual who has lost – to a considerable degree – their capability for work corresponding to their level of qualifications.

And in the case of body impairment which requires the permanent or long-term care and assistance of another person to satisfy primary living needs, the inability to live independently is certified.

Evaluation of an incapacity for work, assessment of the degree of disability, the date of its occurrence, its permanency or expected duration as well as other circumstances related to an incapacity for work affecting the right to a disability pension, fall within the competence of a ZUS appointed evaluating doctor, and if the decision of the ZUS doctor is appealed against – within the competence of the medical board of the Social Insurance Institution.

The mentioned bodies issue decisions also when the pension claimant permanently resides in another Member State. In such a case the ZUS appointed evaluating doctor assesses the incapacity for work on the basis of a medical opinion drawn up by a competent institution (medical practitioner) in the state of residence of the person concerned, or on the basis of documentation supplied by the disability pension claimant.



Acquisition of the disability pension entitlement

The disability pension entitlement is acquired after all the qualifying conditions have been satisfied. If the person concerned is a recipient of a sickness allowance, rehabilitation benefit or remuneration for the period of incapacity for work payable under the Labour Code, the right to an old-age pension, disability pension or training pension is acquired from the day when the person concerned ceased to receive such an allowance, benefit or remuneration. Pursuant to EU law, in order to gain the right to a ZUS pension in this situation it is also necessary to cease the receipt of relevant benefits in respect of foreign insurance in a Member State other than Poland.

Example

The right to a disability pension for a recipient of a sickness allowance from the Lithuanian social insurance scheme is granted from the day the person concerned ceased to receive this allowance.



The basis for the disability pension assessment for persons who have completed – apart from periods of Polish insurance – also foreign periods

The disability pension from ZUS, established for an individual who has completed Polish periods of insurance and periods of insurance in other Member States – is assessed based on an average basis for the assessment of a contribution to pension insurance (before 1 January 1999 – to social insurance), pursuant to the relevant Polish legislation, from a period of 10 consecutive calendar years selected by the person concerned from out of the most recent registered 20 calendar years directly preceding the year when the pension claim was filed. The mentioned 10 calendar years are selected without consideration of the years when the person in question was covered for a full year by insurance cover abroad in other Member States.

If during the period of 20 years directly preceding the year when the person concerned filed the disability pension claim, they had not been covered by insurance in Poland then the amount of the disability pension is calculated on an average basis for contributions to the pension insurance (before 1 January 1999 – to social insurance) as pursuant to the relevant Polish legislation, from the period of 10 consecutive calendar years directly preceding the year when the applicant initially joined the foreign insurance scheme of a Member State.

If an incapacity for work had occurred before the person concerned reached the age of 30 years, and it was not possible to determine the basis for pension assessment from the period of 10 consecutive calendar years, pension assessment is based on the basis for the assessment of contributions from the actual insurance period, although this will be shorter than a period of 10 consecutive calendar years. This rule is also applicable to situations where it is not possible to determine the basis for pension assessment from the period of 10 consecutive calendar years because the person concerned has completed full calendar years of insurance abroad in other Member States.

On the request of the applicant the amount of the pension may be also based on an average basis for the assessment of a social insurance contribution, pursuant to the relevant Polish legislation, from the period of 20 calendar years preceding the year when the pension claim is filed, selected from the whole period covered by the social insurance system in Poland.



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

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

Under the provisions of this Agreement, pension insurance benefits (including disability pensions) for persons who had completed insurance periods under the legislation of the other State-Party before 1 January 1991 and who 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). The mentioned institution takes over the burden of financing benefits for the aforementioned insurance periods completed in the other state.

If the beneficiary has moved to the other State-Party to the Agreement after 31 December 1990, their disability pension must be re-established in both states: in Poland and in Germany. This may result in the establishment of a disability pension entitlement in each of these states based only on the given state's own insurance periods, or based on aggregated insurance periods – in pro-rata amount, corresponding to the ratio between the duration of the given state's own insurance periods and the total duration of insurance periods completed under the legislation of Poland and of Germany.

Example

If a woman living in Poland (who has never moved abroad) has completed a 7-year period of insurance (employment) in Poland and a 10-year period of insurance (employment) in Germany before 1 January 1991, ZUS will determine her disability pension to the amount based on the aggregated period of 17 years. In this case the burden of the whole benefit due to the woman concerned is borne – under the Agreement of 1975 – by the Polish party.

However, if the woman later moved to Germany, her disability pension would be recalculated by ZUS and the disability pension would have to be determined by the competent German pension body. Each of the mentioned institutions would determine the right to the disability pension only on the basis of their own insurance periods, or on the basis of aggregated insurance periods – in pro-rata amount, corresponding to the ratio between the duration of their own insurance periods and the total duration of the insurance periods completed in Poland and in Germany. If the qualifying conditions for the disability pension are satisfied both in Poland and in Germany, the person concerned may receive pensions from both states.



Where to file a claim for a disability pension?

A person who has been insured in more than one Member State should file a disability pension claim with an insurance institutions of **one Member State**.

Such an application automatically initiates **the procedure of a pension entitlement investigation** in all Member States where the person concerned has been covered by

insurance, and the **date of the application** is binding upon the institutions of all the concerned Member States.

The claimant should submit their application **to the institution of his/her place of residence or to the institution of the last Member State whose legislation was applicable** (where s/he was last insured).

If the person concerned has not, at any time, been subject to the legislation applied by the institution of the place of residence, that institution forwards the claim to the institution of the last Member State whose legislation was applicable.

A foreign institution of a Member State where the disability pension claim was filed, is obliged *inter alia* to complete the application for a pension to be awarded under Polish legislation and to forward it to the competent institution in Poland.

If the claimant, despite having been asked to do so by the institution where s/he had filed his pension claim, did not notify the fact that he had been employed or had lived in other Member States, the date on which they complete their initial claim or submit a new claim for the missing periods of employment or residence in a given Member State is considered to be the date of submission of the claim to the institution which applies the legislation in question (subject to the more favourable provisions of that legislation).

Where the disability pension claim should be investigated in Poland, it is necessary to identify the Polish institution competent for a given case.

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

Yet ZUS is not always the competent body to investigate such a claim. It is not competent to investigate claims for disability pensions with regard to persons who were covered by the social insurance scheme for farmers or pension schemes for the uniformed services in Poland. It is also not competent to investigate claims for disability pensions filed by judges and public prosecutors.

However, ZUS investigates disability pension claims:

- filed by persons who have completed periods of insurance in Poland as persons employed and self-employed outside agriculture and as farmers, if recently they have been employed or have been running a business outside agriculture in Poland;
- filed by persons who claim pensions for officers of the so-called uniformed services (e.g., professional soldiers, police officers, State Fire Service officers), if recently they have been employed or have been running a business outside agriculture in Poland and if they claim benefit from the universal system.

If ZUS is recognised as the competent institution, the pension entitlement is established by **one of six local ZUS bodies designated to deal with pension issues subject to EU coordination**. The detailed list of ZUS units investigating the claims of persons who have been insured or reside in the UE / EFTA Member State is presented in a table on page 18.



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

Where the disability pension claim is filed with ZUS (e.g., the person concerned resides within the territory of Poland), it may be filed on form ZUS Rp-1R (*A claim for disability pension*), which must be accompanied with:

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

Important: the pension claim should include the applicant's PESEL the statistical identification number of the person concerned, or – if such a number has not been assigned – the series and number of a national ID card or passport (potentially a foreign passport). Where NIP is the tax identification number of the person concerned, Polish NIP should also be given.

A certificate of the employment period in Poland may be issued by:

- an employer, based on the personal files of the employee,
- the legal successor of the employer based on the personal files of the employee that which have been taken over,
- the body which stores documents of a liquidated enterprise (a founding body, a supervisory body, archives or a document storing company). Detailed information on required evidence confirming the contributory and non-contributory periods is available at the website www.zus.pl.



Appeals against ZUS decisions on disability pension issues filed by persons who reside abroad in Member States

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

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



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

Each institution of the Member State which has awarded the disability pension, must notify the beneficiary of the decision it has taken in this regard, issued in accordance with the applicable legislation in force for that Member State.

Besides, if the so-called contact institution (an institution which coordinates pension procedure in various countries; usually this is an institution of the beneficiary's State of residence) has been notified of all the pension decisions taken by the social insurance institutions of other Member States, it must send the beneficiary and the other institutions concerned a summary of those decisions, in the language of the institution or, at the request of the claimant, in any language of his or her choice, if recognised as an official language of the Member States.

A model summary has been drawn up by the Administrative Commission (an auxiliary body of the European Commission). This is a portable document P1.

Where, following the receipt of the summary, it appears to the beneficiary that his/her rights may have been adversely affected by the interaction of decisions taken by two or more social insurance institutions of Member States, s/he has the right to a review of the decisions by the issuing institutions within the time limits laid down in the respective national legislation, as applied by a given institution.

With reference to the Polish legislation applied by ZUS, a “review” under the EU Regulation means the re-establishment of the right to or the amount of the pension benefit referred to in Article 114 of the Pension Act ⁴.

A request for the review of the disability 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 the receipt of the P1 document – *Summary of decisions* – containing information on the decisions taken by the social insurance institutions in all of the Member States concerned.

The request for a review of a ZUS pension decision may be filed at **any time** to the ZUS unit which has taken the decision. Persons residing abroad in Member States may file an appeal against a ZUS decision also through the social insurance institution of the State of residence, which will forward their appeal to the competent ZUS unit.

⁴ See footnotes 1 and 2.

After investigating the request for the review, ZUS issues the relevant decision.

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

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



Payment of a disability pension to a person residing abroad within the territory of a Member State

The disability pension for an eligible person who resides abroad within the territory of a Member State may be transferred (depending on instructions given to ZUS):

- in Poland:
 - to the beneficiary's bank account, or
 - to an authorised person who resides in Poland, or
- in the State of residence – in the form of transfer to the beneficiary's foreign bank account in the State in question.

A pension awarded by ZUS may be transferred to the person residing in the territory of another Member State, at his/her request, to the state of residence. An application for disability pension transfer to the state of residence may be filed with the ZUS branch which has awarded or had been earlier paying the benefit. The case is transmitted to one of six local ZUS bodies designated to deal with disability pension issues subject to EU coordination.

The application for pension transfer may be also filed directly with the competent, designated ZUS body (see: p. 18).

And persons entitled to a disability pension from ZUS, residing in another state than the Member State (i.e. in a third country) may receive their benefit only in Poland. However, with the exception of pensioners residing in third countries, 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, Bosnia and Herzegovina and in Ukraine⁵. Such persons may – upon their request – have their pension transferred to the beneficiary's foreign bank account in the state of residence.

⁵ A current list of states which are bound with Poland by a bilateral international agreement in the field of social insurance is available at the website www.zus.pl. Information in this regard is also available in ZUS units.

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

Pursuant to the tax legislation, disability pensions are transferred to persons who reside abroad without deduction of advance payment to the personal income tax in Poland (gross) or after the deduction of advance payment to the personal income tax in Poland (net) 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 benefits payable to persons who live abroad and on the applicability of international agreements for the avoidance of double taxation is available at the competent taxation office. Information in this regard may be also obtained on the following National Tax Information. Infoline: +48 801-055-055 (for landline phones), +48 22 330-03-30 (for mobile phones or calls from abroad).

Should the Polish National Health Fund issue to a pensioner residing in another Member State a S1 certificate, confirming his or her right to health care benefits in kind in this State on the cost of the Polish National Health Fund, the pension is transferred after the deduction by ZUS of the health insurance contribution. The mentioned contribution is transferred to the Polish National Health Fund, and the person in question has the right to take advantage of health care benefits in kind abroad within the territory of Member States at the expense of the Fund. The Application for S1 form is available as a document file at the National Health Fund website. The mentioned document must be registered at an institution of the place of residence indicated in the Application for S1 document. More detailed information in this regard is available in the Polish National Health Fund Headquarters, which is competent to provide detailed information on health care benefits in kind to persons covered by EU coordination. The Polish National Health Fund Infoline: tel. +48 800-392-976, +48 22 572-60-42, e-mail: infolinia@nfz.gov.pl.



Earnings from activity pursued abroad in Member States and the entitlement to and amount of the disability pension received from ZUS

Pensioners are obliged to notify ZUS of earnings and other incomes, also from activity carried out abroad.

The level of such incomes may affect the due amount of a ZUS pension. If the amount of foreign incomes exceeds:

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

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

As regards recipients of a training pension in respect of an incapacity for work (as a result of a decision on the advisability of vocational retraining due to an incapacity for work in an earlier occupation), any income from gainful activity constituting a social insurance title, also obtained abroad, results in the cessation of the right to the training pension, irrespective of its level.



Beneficiaries' obligation to provide ZUS with information

Beneficiaries are under legal obligation to notify the ZUS body which is the payer of their benefits of any circumstances affecting their pension entitlement or payment. First of all, this concerns changes in personal data (e.g. name, surname) and contact data, change in the place of residence, in bank account number, 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 Poland and abroad).

Persons receiving disability pensions are under obligation – on demand of the pension body – to certify with their own signature further entitlement to the benefit. The ZUS unit which pays benefits to persons who reside abroad periodically sends to beneficiaries a form titled *Declaration of living and residence*, to be completed and sent back to ZUS.

The form should be signed by the beneficiary him/herself. Should the recipient not be able to sign it personally, the form should be signed by a person who currently takes care of the beneficiary. The signature should be certified by a competent body or an authorised person in the State of residence of the mentioned persons or by an authorised person at a Polish diplomatic or consular post.

A model form is available, in PDF format, at the website of the Social Insurance Institution: www.zus.pl.



The list of ZUS units designated to deal with pension issues subject to EU coordination

ZUS organisational unit investigating the pension claims of persons who have been insured in Poland and in the UE / EFTA Member State	Competent for persons:		
	who have completed only Polish insurance periods, residing in the states listed below	or	residing in Poland or abroad in the UE / EFTA Member State, who have completed insurance periods (aggregated) in Poland and in another Member State, including those recently completed in the states listed below
First ZUS Branch in Warsaw – Division for the Implementation of International Agreements, ul. Zamenhofska 2, 90-431 Łódź	Cyprus, Greece, Spain, Malta, Portugal, Italy		
ZUS Branch in Nowy Sącz – Division for the Implementation of International Agreements, ul. Węgierska 11, 33-300 Nowy Sącz	The Czech Republic, Slovakia		
ZUS Branch in Opole – Division for the Implementation of International Agreements, ul. Wroclawska 24, 45-701 Opole	Germany		
ZUS Branch in Szczecin – Division for the Implementation of International Agreements ul. Andre Citroena 2, 70-772 Szczecin Address for correspondence: ul. Matejki 22, 70-530 Szczecin	Denmark, Estonia, Finland, Iceland, Lithuania, Latvia, Norway, Sweden		
ZUS Branch in Tarnów – Division for the Implementation of International Agreements ul. Kościuszki 32, 33-100 Tarnów	Austria, Liechtenstein, Slovenia, Hungary, Switzerland		
First ZUS Branch in Warsaw – Division for the Implementation of International Agreements, ul. Kasprzowicza 151, 01-949 Warszawa	Belgium, Bulgaria, Croatia, France, The Netherlands, Ireland, Luxembourg, Romania, United Kingdom		



New forms of contact with ZUS

ZUS Electronic Services Platform (Platforma Usług Elektronicznych, PUE) provides people working and living abroad with new opportunities for electronic contact with ZUS and access to many other services.

Setting up a profile at pue.zus.pl provides, after verification of the identity, access to data stored in the individual account of the insured person as kept by ZUS, including data on the accumulated initial capital and contributions paid since 1999, and an amount of the funds credited to the sub-account of the insured person in ZUS. Users may also file applications and receive responses by electronic means.

Telephone information can be obtained from the ZUS Call Centre (Centrum Obsługi Telefonicznej, COT) on the following telephone numbers:

- 801-400-987 – for Polish landline phones,
- +48 22 560-16-00 – for mobile phones as well as national and foreign landline phones.

The Call Centre provides explanations on all matters, including those related to social insurance coverage abroad, and informs callers about the possibilities of receiving benefits in this respect equally by e-mail (cot@zus.pl), chat and Skype ([zus_centrum_obsługi_tel](https://www.zus.pl)).

COT consultants provide assistance on weekdays from Monday to Friday: from 7.00 to 18.00.

Detailed information for insured persons and the relevant model documents is available at the websites: www.zus.pl and <https://pue.zus.pl>.



Where to obtain more information?

This leaflet is of a general informative character. More detailed information is available at:

- your nearest local ZUS unit,
- the ZUS website: www.zus.pl,
- the local ZUS units designated to deal with pension issues subject to EU coordination, i.e., in the First ZUS Branch in Łódź, ZUS Branch in Nowy Sącz, ZUS Branch in Tarnów, ZUS Branch in Opole, ZUS Branch in Szczecin and First ZUS Branch in Warsaw,
- the Foreign Pensions Department at ZUS Headquarters, playing the role of a liaison body on pension issues subject to coordination, which cooperates with the foreign liaison bodies of Member States. Senatorska 10, 00-082 Warszawa, e-mail: drz@zus.pl).



Basic EU legal acts which govern 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 No L 166 of 30 April 2004);
- Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ No L 284 of 30 October 2009).
- Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality (OJ No L 344 of 29 December 2010).
- Council Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ No L 149 of 5 July 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 No L 74 of 27 March 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 No L 124 of 20 May 2003).

Warsaw, April 2014

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Typesetting & Print: ZUS Publishing Office in Warsaw. 4000 copies. Order No. 1613/14