



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

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

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

If the deceased person had been employed not only in Poland, but also abroad in other Member States of the **European Union (EU)** or the **European Free Trade Association (EFTA)**, or if a survivor's pension claimant resides in the territory of one of those states, the rules for the EU coordination of social security systems are applicable to the survivor's pension itself.



Who is the leaflet addressed to?

The leaflet is addressed to persons who:

- claim a survivor's pension as survivors of a person who had completed insurance (employment) periods in Poland as well as abroad under the legislation of EU/EFTA Member States or had resided abroad in EU/EFTA member states (see: p. 2),
- reside abroad in the territories of Member States and claim a survivor's pension as the survivors of a person who has accumulated insurance (employment) periods only in Poland,

¹ Journal of Laws (Dz.U.) of 2013 Text 1440 as amended.

- reside abroad in the territories of Member States and are interested in receiving the survivor's pension awarded by ZUS in their state of residence.

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



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

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

For EU coordination purposes also the **non-EU Member States belonging to the EFTA**: 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 survivors' pensions?

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

- are the nationals of Member States, or refugees or stateless persons (i.e. persons not being nationals of any of those States), reside in the territory of Member States and claim pensions as the survivors of migrants for employment moving within the territories of Member States (irrespective of the migrants' nationality),

Example

A Pole claiming a survivor's pension after the death of a Ukrainian national who prior to his death had been employed and insured successively in Poland, Sweden and Ireland.

- claim survivors' pensions after the death of nationals of Member States (including Polish nationals) and after the death of refugees or stateless persons residing

in the territories of Member States, migrating for employment within the territories of Member States (irrespective of the nationality of the survivor's pension claimants),

Example

A Russian man claiming a survivor's pension after the death of a Polish national who prior to her death had been employed and insured successively in Poland, in the Netherlands and in the United Kingdom.

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

Example

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

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

Example

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



Equal treatment

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



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

Member States of the EU/EFTA have not established a single and uniform supranational system that would guarantee survivors' pensions. Each of the Member States independently decides which persons are eligible for a survivor's pension and which conditions need to be satisfied to ensure the payment of a survivor's pension in the event of the death of the financial provider.

Pensions are acquired independently in each Member State. A survivor of a person who has been employed and insured in Poland and in other Member States, **may acquire the survivor's pension both from Poland and from another Member State** where the deceased person had been insured, after satisfying the qualifying conditions for the acquisition of the right to the survivor's pension under the legislation of these States².

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

► Establishment of the survivor's pension entitlement in each of the Member States where the deceased person was insured or had resided

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

Example

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

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

² Information on the qualifying conditions for ZUS survivors' pensions may be found in a separate leaflet titled: *Renta rodzinna* (Survivor's pensions), which is available at each ZUS unit and on the website: www.zus.pl.

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

► Aggregation of foreign insurance or residence periods

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

If the deceased person had not fulfilled the criterion of insurance (residence) enabling them to meet in a given Member State the qualifying conditions for the entitlement to the said benefit (old-age or disability pension), which served as the basis to establish the survivor's pension, the competent institution also takes into consideration (aggregates) those foreign periods of insurance (residence) completed by the deceased person in all other Member States.

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

- old-age pension under the so-called previous pension system in operation for those born before 1st January 1949,
 - early retirement pensions payable to those born after 31 December 1948 but before 1st January 1969,
 - partial old-age pensions³,
- or
- disability pensions for an inability to work (non-accident related).

Example

Thus if a widower and a child claim a survivor's pension from ZUS after the death of a woman who had not accumulated insurance periods in Poland (contributory and non-contributory) sufficient to be awarded a disability pension, ZUS will take into consideration (aggregate) also

³ A partial pension may be awarded to women born after 31 December 1958 (who are 62 years of age and who have completed at least a 35-year period of national insurance contributions) and men born after 31 December 1948 (who are 65 years of age and have at least a 40-year period of documented national insurance cover) prior to the reaching of the universal retirement age. Detailed information on the conditions for the obtainment of a partial pension is available on the website: www.zus.pl.

foreign periods of insurance (residence) completed by the deceased woman in other Member States (e.g. Spain, Germany, Sweden or Portugal) and will check if, after aggregating the foreign insurance (residence) periods, she would have met the qualifying conditions for the entitlement to the disability pension, and as a result – whether the widower and the child may be awarded the survivor's pension in Poland.

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

► **Calculation of the amount of a survivor's pension established taking into consideration of foreign periods of contribution (residence)**

Where entitlement to a survivor's pension under the legislation of a given Member State is established taking into consideration foreign periods of insurance (residence) completed by a deceased person under the legislation of other Member States, the amount of the benefit is calculated in the following way:

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

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

Example

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

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

accumulated 3 years of insurance in Poland, and a total of 7 years of insurance in Poland and in Spain. ZUS will award such a pro-rata survivor's pension.

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

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

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

Example

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

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

The described rule concerns a situation where the deceased person had been receiving or had satisfied the qualifying conditions for the receipt of the disability pension or the old-age pension under the earlier functioning pension scheme, where

the right to benefit and its amount depended on the length of contributory and noncontributory periods, the period of insurance completed exclusively in Poland was insufficient for qualification for such an entitlement.

The situation is different where this person received or fulfilled the conditions for the so-called new old-age pension within the reformed old-age pension system, the value of which is not dependent on the length of insurance periods. **The value of the new old-age pension is established exclusively on the basis of Polish periods of insurance contributions**, that is without consideration of those periods of foreign national insurance payment (residence) in other Member States.

The foreign periods of contribution/residence in EU/EFTA Member States are taken into consideration (in as far as this is required) in the establishment of the right to partial old-age pension entitlement, yet they do not feature in the calculation of the amount of this pension⁴.

► **Calculation of the amount of the survivor's pension after the death of a person entitled to or satisfying the conditions for the so-called 'new' old-age pension from the reformed scheme, including the so-called mixed old-age pension⁵ (Art. 183 of the Pensions Act).**

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

In the case of a deceased person who has been covered by the reformed old-age pension scheme, the qualifying conditions for the acquisition of the right to the pension from ZUS do not include the necessity to complete contributory and non-contributory periods of a specified duration. In the 'new' old-age pension scheme – covering persons born after 31 December 1948 – the accumulation of a qualifying period of insurance of a specified duration is not as a rule required to acquire the right to the benefit. The exception being those conditions on the duration of national insurance contributions required for the obtainment of:

- the right to a partial old-age pension benefit⁶ (the value of which does not, however, depend on the length of the national insurance contributions made) and
- the right to an early retirement pension⁷.

⁴ The value of the new old-age pension is dependent on the value of the insurance payments accredited to the individual account of the insured party at ZUS.

⁵ An old age pension as envisaged by Art. 183 of the Pension Act (the so-called mixed old-age pension) may be paid out to certain insured individuals born after 31 December 1948.

⁶ See footnote 3.

⁷ An early retirement pension on the basis of Art. 184 of the Pension Act (due to individuals born after 31 December 1948) is calculated on the principles for a mixed old-age pension, i.e., Art. 183 of the Pension Act. Detailed information on the conditions for rights obtainment and the principles for early retirement pension rate calculation may be found in the ZUS information leaflet *The new pension from the Polish Social Insurance Institution (ZUS)*.

The amount of such an old-age pension will be the quotient of the benefit's calculation basis and average life expectancy⁸ for persons of the age at which the insured person retires.

The old-age pension will be calculated on the basis of the amount of contributions paid to the old-age pension insurance after indexation, accredited to the individual account of the person insured by the end of the month preceding the month from which the pension is payable as well as the sum of the indexed initial capital (established for the periods of insurance paid up until the 31 of December 1998) as well as the sum of the monies recorded within the insured person's sub account.

This means that if the survivor's pension is established after the death of a person who had satisfied the qualifying conditions for the 'new' old-age pension, no pro-rata pension is calculated on the basis of the previously described procedure. This survivor's pension is established on the basis of the old-age pension that would have been payable to the deceased person, based on the contributions accumulated in the individual ZUS account and sub account of the insured.

The old-age pension for insured persons born after 31 December 1948, who acquired the right to an old-age pension under the reformed scheme, and who reached the universal retirement age⁹ in the years 2009–2014, will be established under the so-called mixed rules, i.e., it will be calculated partly under the earlier and partly under the reformed rules¹⁰. Such an old-age pension is composed of two parts, namely:

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

⁸ 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 its Official Journal, in a form of an announcement.

⁹ The universal retirement age for women of 60 and for men of 65 is being gradually raised until it reaches the age of 67 for both sexes. Tables showing retirement age are available on the ZUS website www.zus.pl.

¹⁰ The proportion of both parts of the old-age pension – i.e. calculated under the earlier rules (old) and under the reformed rules (new) – depends on the year when a given person reaches the retirement age. And so, such an old-age pension amounts to:

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

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

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

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

20% of the old and 80% of the new old-age pension – in 2013 or 2014.

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

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

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

Example

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

- *on the one hand it will calculate the **national** survivor's pension based on the mixed old-age pension, composed of:*
 - *a part of the survivor's pension calculated on the basis of 80% of the old-age pension established under the earlier rules¹¹, taking into consideration only the Polish insurance period of the deceased woman, equal to 9 years (i.e. the old-age pension is calculated on the basis of the base amount, the basis for benefit calculation and parts depending on contributory and non-contributory periods),*
 - *a part of the survivor's pension calculated on the basis of 20% of the old-age pension established under the reformed rules (i.e. the old-age pension being the quotient of contributions accumulated in the pension account of the deceased person and her average life expectancy);*

¹¹ Percentage of the old-age pension calculated under the earlier rules and the percentage of the old-age pension established under the reformed rules – 80 and 20 respectively – which means that the deceased person reached the retirement age in 2009 (see footnote 10).

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

Finally ZUS will compare the amounts of the benefits calculated in both variants and will award a survivor's pension in the amount more favourable to the child.

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

The above described mixed principles for the calculation of benefits used in relation to pensions under Art. 183 of the Pension Act are equally applied in the establishment of the so-called early retirement pension as determined by Art. 184 of the Pension Act.

Persons insured who were born after 31 December 1948 are entitled to an old-age pension at an earlier age – provided for in Articles 32, 33, 39 and 40 of the Pension Act – if:

- on the day of entry into force of the Pension Act, i.e. on 1 January 1999 they accumulated:
 - a period of employment in special conditions and of a special character, required in earlier legislation in order to acquire a pension entitlement at an age lower than 60 years for women and 65 years for men
 - a contributory and non-contributory period of at least 20 years for women and 25 years for men, and
- they have not joined an Open Pension Fund or have applied for the transfer of resources collected in an Open Pension Fund account, through the intermediacy of the Social Insurance Institution, to Polish state budget incomes.

If a person who satisfies the qualifying conditions for the award of such an old-age pension reaches the earlier retirement age for the years 2009–2014, his or her benefit will be calculated, following the mixed rules, as:

- relevant for a given year percentage of the old-age pension calculated under the earlier rules
- relevant for a given year percentage of the old-age pension calculated under the reformed rules.

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

Example

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

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

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

- on the one hand the survivor's pension is calculated based on the mixed old-age pension, in the so-called national variant – which means that while determining the relevant percentage of the deceased person's old-age pension calculated under earlier rules, only the Polish insurance periods are taken into consideration,
- on the other hand the survivor's pension is calculated based on the mixed old-age pension in the so-called pro-rata variant. This means that while determining the relevant percentage of the deceased person's old-age pension calculated under earlier rules, account is taken not only of the Polish insurance periods but also

of foreign insurance or residence periods completed in Member States. Subsequently this part of the old-age pension of the deceased person is calculated as a pro-rata survivor's pension, taking into consideration the ratio of Polish insurance periods to the total of the Polish and foreign periods of coverage completed by the deceased person.

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

If the insured person reaches the lower age required to be awarded the early retirement pension after 31 December 2014, the amount of such a pension will be calculated as a quotient of the contributions accumulated in the pension account of the deceased person and the sub account together with his or her average life expectancy. The survivor's pension – calculated after the death of a person who had satisfied the qualifying conditions or was the recipient of such old-age pension – will be calculated as a relevant percentage of the deceased person's benefit¹². In this case even if the deceased person was insured (resided) abroad in Member States, a pro-rata survivor's pension will not be established.

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

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

Example

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

The situation is different where the survivor's pension is established on the basis of a deceased person who had satisfied the qualifying conditions for the acquisition of the 'new' old-age pension (here also a partial old-age pension) under the reformed

¹² Further information on the calculation of a deceased person's benefits as the basis for the calculation of a survivor's pension may be found in the ZUS information leaflet *Survivors' pensions*.

scheme. In this case the foreign insurance period of the deceased person of less than one year, not giving any entitlement to foreign benefit, is taken into **account only to determine the initial capital** of a given person. Thus, it concerns only foreign periods completed before 1 January 1999. The initial capital is subsequently taken into consideration while calculating the benefit for the deceased person, that is the old-age pension under the reformed scheme or an appropriate part of the mixed old-age pension of the deceased person, calculated under the reformed rules.

► Receiving foreign pensions by a ZUS pensioner

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



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

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

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

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



Evaluation of incapacity for work for survivor's pension purpose

Where the award of the survivor's pension from ZUS depends on an incapacity for work, the evaluation of such incapacity, determination 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 the pension, fall within the competence of a ZUS evaluating doctor, and if the decision of ZUS doctor is appealed against – within the competence of the medical board of the Social Insurance Institution.

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

A 'person incapable of work' is defined – for pension purposes – as a person who has lost, completely or partly, their earning capacity due to disruption to body fitness, and where retraining does not promise to restore their earning capacity.

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

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

And the inability for an independent existence is certified in the case of body impairment which requires permanent or long-term care and the assistance of another person to satisfy basic living needs.



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

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

The survivor's pension from ZUS, established after the death of a person who had accumulated – apart from the Polish insurance periods – also foreign insurance or residence periods in other Member States – is calculated based on the average basis for the assessment of a contribution to pension insurance (before 1 January 1999 – to social insurance), pursuant to the Polish legislation, from the period of 10 consecutive calendar years selected by the person concerned out of the recent 20 calendar years directly preceding the year when the person concerned filed the pension claim. The mentioned 10 calendar years are determined without consideration of any periods when the deceased person was insured for the full year abroad in other Member States.

If during the period of 20 years directly preceding the year when the person concerned filed the pension claim, the deceased person had not been covered by insurance in Poland, the amount of the pension is based on an average basis for the assessment

of a contribution to pension insurance (before 1 January 1999 – to social insurance) pursuant to the Polish legislation, from the period of 10 consecutive calendar years directly preceding the year when the deceased person had joined for the first time insurance abroad in a Member State.

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



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

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

The base of the calculation of the old-age pension due to the deceased person will be calculated on the basis of the amount of contributions paid to the old-age pension insurance – after indexation, accredited to the individual account of the person insured for the period after 31 December 1998, the amount of indexed initial capital (established for the periods of insurance in Poland up until the 31 December 1998) as well as the sum of the contributions credited to the sub account of the insured person.

The amount of the old-age pension that would be awarded to the deceased person is calculated to assess the survivor's pension as a relevant percentage of the benefit for the deceased person. For this purpose ZUS calculates the old-age pension which corresponds to the quotient of the calculation basis and the average life expectancy for persons at the age equal to the age reached by the deceased person.

More information on the principles on the right and calculation of old-age pension under the new system may be found in the ZUS information leaflet: *Nowa emerytura z Funduszu Ubezpieczeń Społecznych* [The new old-age pension from the Polish Social Insurance Institution (ZUS)], or on the ZUS website www.zus.pl, while detailed information on the principles for establishing the amount of a deceased's old-age pension benefits constituting the basis for calculating the rates for survivor's pensions is available in the leaflet *Renta rodzinna* [Survivors' pensions], as well as on the ZUS website.



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

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

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



Where to file the survivor's pension claim?

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

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

- If the person concerned **resides in Poland** and the deceased person had accumulated periods of insurance in Poland and in other Member States, the person concerned should file his or her survivor's pension claim with the Polish social insurance institution (ZUS, KRUS or a pension body of the so-called uniformed services).
- If the person concerned **resides abroad** in the territory of a Member State and the deceased person had accumulated periods of insurance in Poland and in other Member States, including the State of residence, the person concerned should file his or her survivor's pension claim with the social insurance institution responsible for providing pensions in the State of residence.
- If the person concerned **resides abroad** in the territory of a Member State where the deceased person had not accumulated insurance periods but had accumulated such

periods in Poland and in other Member States, the person concerned should file his or her pension claim with the social insurance institution responsible for providing pensions in the State where the deceased person was last insured. The survivor's pension claim may be also filed via the social insurance institution of the State of residence of the person concerned, which will forward it to the competent institution.

- If the person concerned **resides abroad** in the territory of a Member State and the deceased person had completed periods of insurance only under the legislation of Poland, the person concerned should file his or her claim with a Polish institution competent to investigate this claim. The pension claim may be also filed via the social insurance institution of the State of residence of the person concerned, which will forward it to the relevant Polish institution.

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

Where the claim for a survivor's pension subject to EU coordination is filed with a foreign institution of a Member State, the said institution is obliged *inter alia* to complete the application for the pension to be awarded under the Polish legislation and to forward it to the competent institution in Poland.

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

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

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

- if the deceased persons had accumulated periods of insurance in Poland as persons employed and self-employed outside agriculture and as farmers, if the last Polish period was the period of insurance as a person employed and self-employed outside agriculture,
- in some cases where the deceased persons were officers of the so-called uniformed services (e.g. professional soldiers, officers of the Police, State Fire Service), if the last period of coverage completed before the death in Poland was e.g. the period of employment or self-employment.

If ZUS is recognized as the competent institution, pension entitlement is established by one of the local ZUS bodies designated to deal with pension issues subject to EU coordination, a detailed list of which together with relevant addresses and a list of states can be found in the table on pages 24–25.

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



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

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

- EU form E 207 PL – *Informacje dotyczące przebiegu ubezpieczenia osoby ubezpieczonej* (Certificate concerning the insured person's insurance history) – completed in item 7 (Information relating to all insurance and residence periods completed by the deceased person under the legislation of individual Member States), legibly signed by the claimant,
- documents justifying the right to Polish benefits and enabling the calculation of their amount (such as: insurance cards, employment certificates, certificates ZUS Rp-7, excerpts of registry office records, relevant medical documentation – relating to the person deceased),
- documents proving the insurance (employment) periods of the deceased person under the legislation of Member States other than Poland, the numbers of his or her foreign insurance – if relevant, the names and addresses of employers and other information useful to identify any foreign institutions where the deceased person had been insured.

Extremely important is the inclusion of the relevant identification numbers in the benefits application, namely the number **PESEL**, and in a case whereby the given person has not been issued with the said *the serial number and number of a national identity card or passport* (this may equally be a foreign passport). In the case of an individual issued with a Polish NIP taxation identity number this should also be given.



Appeals against ZUS decisions in survivors' pension issues filed by persons residing abroad in the territory of Member States

Appeals against ZUS decisions in pension issues are filed with the competent court for labour and social insurance through the ZUS pension body which has issued the decision, within one month from the day of receipt of the decision.

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



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

Each Member State institution which awards benefits informs the interested party of the decision taken with regard to benefits awarded on the basis of the law in operation in the given Member State.

In addition when the so-called contact institution (which coordinates the pension procedure in various countries; usually this being an institution of the claimant's State of residence) of the person applying for benefits receives information on all the decisions undertaken by the national insurance bodies of other Member States with regard to pensions or benefits, it will pass on to the claimant and the remaining institutions a summary of these decisions in the language of the institution or, at the request of the claimant, in any language of his or her choice recognised as an official language of the Member State.

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

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

Example

The Social Insurance Institution (ZUS) issues a widow with a decision rejecting the right to a survivor's pension following the death of her husband as it has been established that at the moment of death her spouse did not fulfil the conditions required to obtain disability benefit. In this decision ZUS shows that the period of insurance in Poland was for the spouse less than a year while the Austrian insurance institution did not take into consideration this short period when establishing the right to disability benefit due to the deceased on the basis of the Austrian social security system, even though it should have done so.

Through a 'review' in the understanding of the EU regulation in relation to Polish law applied by ZUS is to be understood a reappraisal of the right to or the amount of a pension or social benefits as outlined in Art. 114 of the Pension Act¹³.

¹³ See footnote 1.

An application for a review of a decision to award survivor's pension should be sent to the institution which issued the decision within the time frame outlined in the national law of the given Member State. The course of this time frame commences on receipt by the interested party of the document P1 – *Decision Summary* – containing information as to the decisions taken by the insurance institutions of all the interested Member States.

An application for a reappraisal of a ZUS decision on benefits may be submitted **at any time** to the ZUS unit which issued the decision. Individuals living abroad in Member States may submit an application for a reappraisal through the insurance institutions of the Member States of residence. This institution will forward the application to a ZUS unit.

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

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



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

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

- in Poland
 - to the bank account of the person entitled to the survivor's pension (the benefit receiver)
 - or
 - to a person authorised by the benefit receiver to receive the benefit, being resident in Poland
- in the Member State of residence – in the form of a bank transfer to a foreign bank account of the person entitled to benefit, conducted in a bank in the said country of residence.

A pension awarded by ZUS may be transferred to the person residing in the territory of another Member State, at his or her request, to the pensioner's place of residence. A request for 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 claim is transmitted to **one of six local**

ZUS bodies designated to deal with pension issues subject to EU coordination. The request for pension transfer may be also filed directly with a competent, designated ZUS body.

In turn those entitled to ZUS pensions resident in a country other than a Member State (that is in a third country) can only receive their benefit payments in Poland. Exceptions are those who reside in third-party states with whom Poland has a bilateral agreement on social security i.e., the USA, Canada, Australia, South Korea, Macedonia, Serbia, Bosnia and Herzegovina as well as Ukraine¹⁴. These individuals may – on application – have their pension transferred to the claimant's foreign bank account in the country of residence.

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

Pensions are transferred to beneficiaries who reside abroad without deduction – pursuant to the tax legislation – of an advance payment to the personal income tax in Poland (gross) or after deduction of an advance payment to the personal income tax in Poland (net) – depending on the provisions of the international agreement for the avoidance of double taxation concluded by Poland with the beneficiary's State of residence. More detailed information on taxes imposed on Polish benefit payments świadczeń payable to persons who live abroad and on the applicability of international agreements for the avoidance of double taxation is available at a relevant taxation office. Information in this regard may be also obtained on the following telephone numbers of the National Tax Help Information Line: Infolinia +48 801-055-055 (from landlines), +48 22 330-03-30 (from mobile telephone or from abroad).

Those entitled to a survivor's pension and who are resident abroad in another Member State, and for whom the Polish National Health Fund (NFZ) has issued an S1 certification entitling the said to substantive health treatment in that country at the cost of NFZ, the survivor's pension payment transferred by ZUS will be to the amount minus the deduction of health insurance contribution. This payment will be transferred to NFZ while the claimant involved has the right to substantive health cover abroad within the territory of Member States at the cost of NFZ. The form *Wniosek o wydanie dokumentu S1* (Application for the issuing of the document S1) is available on the NFZ website. This document should be registered with the institution of the place of residence as indicated in the *Wniosek o wydanie dokumentu S1*. Detailed information on this subject may be obtained from the Central NFZ Office, which is the relevant institution for detailed information on substantive health cover for those covered by EU social security coordination. The NFZ infoline is: +48 800-392-976, +48 22 572-60-42, e-mail: infolinia@nfz.gov.pl.

¹⁴ A current list of countries with whom Poland has a bilateral international agreement on social security may be found on the website www.zus.pl. Information may also be obtained at ZUS offices.



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

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

- 70% of average monthly earnings under Polish legislation but is not higher than 130% of these earnings – the survivor's pension is subject to reduction,
- 130% of average monthly earnings under Polish legislation – the survivor's pension is suspended.

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



Pensioners' obligations towards ZUS

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

ZUS pensioners are under the obligation – on demand of the pension body – to certify with their own signature further entitlement to the benefit. The ZUS body which pays pensions to persons who reside abroad periodically sends to beneficiaries a form this being a certificate of living and residence to be completed and sent back to ZUS. These forms are available at the website www.zus.pl as a PDF file.

The form should be completed and signed by the pensioner themselves. Should the pensioner be unable to sign it personally, the form should be signed by a person who actually takes care of him or her. In both cases the signature should be certified by a competent body or an authorized person in the place of residence of the mentioned persons or by an authorized person in a Polish diplomatic or consular post.



ZUS branches designated for pension-benefit matters subject to EU social insurance coordination

The ZUS organisational unit dealing with pension applications for individuals insured in Poland and another EU/EFTA Member State	Relevant for those:		
	with only Polish periods of national insurance cover, resident in the countries listed	or	resident in Poland or abroad in a Member State possessing combined periods of insurance covering residence in Poland and in a Member State, in the latter spent in the countries listed
First ZUS Branch in Łódź 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. Wrocławska 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, Latvia, Lithuania, Norway, Sweden		

<p>The ZUS organisational unit dealing with pension applications for individuals insured in Poland and another EU/EFTA Member State</p>	<p>Relevant for those:</p>		
	<p>with only Polish periods of national insurance cover, resident in the countries listed</p>	<p>or</p>	<p>resident in Poland or abroad in a Member State possessing combined periods of insurance covering residence in Poland and in a Member State, in the latter spent in the countries listed</p>
<p>ZUS Branch in Tarnow Division for the Implementation of International Agreements ul. Kościuszki 32 33-100 Tarnów</p>	<p>Austria, Slovenia, Hungary, Liechtenstein, Switzerland</p>		
<p>First ZUS Branch in Warsaw Division for the Implementation of International Agreements ul. Kasprowiczka 151 01-949 Warszawa</p>	<p>Belgium, Bulgaria, Croatia, France, Ireland, Luxembourg, the Netherlands, Romania, the United Kingdom</p>		



New forms of contact with ZUS

The ZUS Platform of Electronic Services allows those who work and reside abroad new possibilities for electronic contact with ZUS as well as access to many other services.

The creation of a profile on pue.zus.pl enables, after identity verification, access to the data stored in one's individual ZUS national insurance account, including access to the accredited initial capital and national insurance contributions since 1999, as well as the amounts indexed to the insured person's sub account. One may also send applications and receive replies electronically.

Information may be obtained by telephone from the ZUS Telephone Service Centre on:

- 801-400-987 – for Polish landline calls,
- +48 22 560-16-00 – for calls from Polish mobiles and from abroad.

The Telephone Service Centre provides information on all matters connected with ZUS, including those to do with social security questions abroad; it gives information

on the possibility of benefit receipt also by email on cot@zus.pl, chat and Skype (zus_centrum_obsługi_tel).

The Centre's consultants are available from Monday to Friday from 7.00 to 18.00.

Detailed information for claimants as well as specimen documents are available on www.zus.pl and pue.zus.pl.



How to obtain more information?

This leaflet is general in character. More detailed information is available at:

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



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

- Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ No. L 166 of 30 April 2004).
- 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 (EC) No. 1231/2010 of the European Parliament and of the Council extending the provisions of Regulation (EC) No. 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No. 883/2004 on the coordination of social security systems (OJ No. L 284 of 30.10.2009).

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

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