AGREEMENT

BETWEEN

THE REPUBLIC OF POLAND AND THE STATE OF ISRAEL

ON SOCIAL SECURITY

THE REPUBLIC OF POLAND

AND

THE STATE OF ISRAEL

Hereinafter referred to as “the Contracting Parties”,

Desiring to regulate the mutual relations between the two states in the field of social security, have agreed as follows:

PART I

GENERAL PROVISIONS

Article 1

Definitions

1. For the purposes of this Agreement:

1) “legislation” – shall mean the acts of law and other regulations concerning social security referred to in Article 2 of the present Agreement;
2) "competent authority" shall mean:
   a) as regards the State of Israel – the Minister of Social Affairs and Social Services
   b) as regards the Republic of Poland – the Minister competent for social security;

3) "liaison body" shall mean the institution ensuring coordination and exchange of information between the institutions of the Contracting Parties for the application of this Agreement;

4) "competent institution" – shall mean an institution entitled to apply the legislation;

5) "benefit" shall mean:
   a) as regards the State of Israel: any cash benefits, or other benefit, including any additional amount, increase or allowance paid together with the benefit provided by the legislation of the State of Israel
   b) as regards the Republic of Poland: pensions and other cash benefits including any additional amount increase or allowance paid together with the benefit provided by the legislation of the Republic of Poland.

6) "insurance period" shall mean the period of payment of social security contributions including, period of employment or self-employment or period of residence or a period treated as such, completed or treated as completed, in accordance with the legislation of a Contracting Party;

7) "residence" shall mean habitual residence as legally established by the Contracting Party;

8) "stay" shall mean temporary residence;

9) "family member" shall mean a person thus defined or recognised as such by the legislation applied by the competent institution;

10) "insured person" shall mean a person who is or was insured pursuant to the legislation of the Contracting Party;

11) "personal data" means any information relating, directly or indirectly, to an identified or identifiable natural person;

12) "processing personal data" means any operation or set of operations which is performed upon personal data, whether or not by automatic means, such as collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure, by transmission, dissemination or otherwise making available, systematization, or combination, blocking, erasure or destruction.

2. Other terms used in this Agreement shall have the meaning given to them by the legislation applied.

Article 2
Material scope
1. This Agreement shall apply to the legislation concerning:

1) in relation to the State of Israel: the National Insurance Law (consolidated version) 5755-1995, insofar as it applies to the following branches of insurance:
   a) old-age and survivors insurance,
   b) invalidity insurance,
   c) work injury insurance,
   d) maternity insurance,

2) in relation to the Republic of Poland: compulsory insurance and the following benefits from social insurance and social insurance for farmers:
   a) maternity benefits,
   b) old-age pensions, disability pensions due to incapacity to work and survivors' pensions,
   c) one-off compensation and disability pensions for accidents at work and occupational diseases,
   d) funeral grants.

2. This Agreement shall also apply to all acts and other legal regulations, amending or supplementing the legislation.

3. This Agreement shall not apply to acts and other legal provisions extending the application of legislation to new categories of beneficiaries, or to legislation introducing a new branch of social insurance, unless the competent authorities agree otherwise.

Article 3
Personal scope

Unless otherwise specified, this Agreement shall apply to persons who are or have been subject to the legislation of one or both of the Contracting Parties, as well as to family members and survivors of such persons.

Article 4
Equal treatment

Unless otherwise specified in this Agreement, the persons, referred to in Article 3, while residing in the territory of a Contracting Party, shall be subject to the obligations and rights under the legislation of the Contracting Party on the same conditions as nationals of that Contracting Party.

Article 5
Export of benefits
1. Unless otherwise provided in this Agreement, benefits vested under the legislation of one Contracting Party may not be reduced, suspended, revoked or withdrawn on the ground that the entitled person resides on the territory of the other Contracting Party.

2. The provisions of paragraph 1 shall not apply, as regards the Republic of Poland, to benefits of special procedure and exceptional cases.

PART II
APPLICABLE LEGISLATION

Article 6
General rules

1. Unless otherwise provided for in this Agreement, a person who is employed or self-employed in the territory of the Contracting Party shall, with regard to this employment or self-employment, be subject to the legislation of that Contracting Party, regardless the territory he resides.

2. The insurance contributions concerning a person covered by this Agreement shall be payable according to the legislation of the Contracting Party to which the person is subject according to this Agreement.


4. Civil servants and persons treated as such shall be subject to the legislation of the Contracting Party in whose administration they are employed.

Article 7
Special principles

1. An employee hired by an employer whose registered office is situated on the territory of one Contracting Party, posted by the employer to the territory of the other Contracting Party to perform temporary work for that employer, shall be subject to the legislation of the first Contracting Party for the period of posting, but no longer than 36 months as though they were still employed on the territory of the first Contracting Party.

2. Travelling personnel working for a transport company or an airline operating in the territories of both Contracting Parties shall be subject to the legislation of the Contracting Party on the territory of which the company or airline is established. However, if the employee resides on the territory of the other Contracting Party, they shall be subject to the legislation of that Contracting Party.

3. A person employed on board a ship flying the flag of a Contracting Party shall be subject to the legislation of that Contracting Party. However, if this person is remunerated for this work by a company established or by a person having residence on the territory of the other Contracting Party, they shall be subject to the legislation of that Contracting Party. The second sentence shall also apply when the ship is flying the flag of a third country,
but the crew is remunerated for such employment by a company established on the territory of a Contracting Party, or by a person resident in its territory.

**Article 8**

**Exceptions to Articles 6 and 7**

Competent authorities or their designated institutions may, by way of mutual agreement, determine exceptions to the provisions of Article 6 paragraph 1 and 4 and Article 7 in the interest of certain persons or categories of persons.

**Article 9**

**Family members**

Each of the Contracting Parties shall apply its own legislation regarding a family member accompanying an insured person referred to in Article 6 paragraph 3 and Article 7 paragraph 1.

**PART III**

**PROVISIONS CONCERNING BENEFITS**

**Chapter 1**

**Pensions**

**Article 10**

**Taking insurance periods into account**

1. If the legislation of one Contracting Party makes acquisition, retaining or reinstating rights to old-age pension, disability pension or survivors' pension dependent on completing insurance periods, then the competent institution of this Contracting Party takes into consideration, as necessary, the insurance periods completed in accordance with the legislation of the other Contracting Party as though the insurance periods were completed in accordance with the legislation applied by the latter, if those periods do not overlap.

2. The competent institution of the Contracting Party shall, if necessary, take into account insurance periods completed in accordance with the legislation of a third party, with which both Contracting Parties are bound by an agreement providing for aggregation of insurance periods.

**Article 11**

**Insurance periods shorter than 12 months**
1. If the insurance period completed in accordance with the legislation of one Contracting Party is less than 12 months and no right to old-age pension, disability pension or survivors’ pension arises under it, the competent institution of that Contracting Party shall not be obliged to grant these benefits.

2. Without prejudice to the provisions of paragraph 1, the insurance periods shorter than 12 months completed in accordance with the legislation of each of the Contracting Parties, are taken into consideration by a competent institution of that Contracting Party in which, after aggregation of these periods, the right to old-age pension, disability pension or survivors’ pension arises.

Article 12
Pensions without aggregation of insurance periods

If a person meets the conditions necessary to be granted the right to an old-age pension, disability pension or survivors’ pension according to the legislation of a Contracting Party without taking into consideration insurance periods completed in accordance with the legislation of the other Contracting Party, then the competent institution shall determine the right to an old-age pension, disability pension or survivors’ pension and calculates its amount only on the basis of the insurance periods completed in accordance with the legislation which it applies.

Chapter 2
Application of the legislation of the State of Israel

Article 13
Old-age and survivors' pensions

1. Where a person designated in Article 3 of the Agreement has been insured in Israel for at least 12 consecutive months but does not have sufficient periods of insurance under the legislation of the State of Israel for entitlement to an old-age or survivors’ pension, periods of insurance completed under the legislation of the Republic of Poland shall be taken into account as far as they do not overlap with periods of insurance under the legislation of the State of Israel. Account shall only be taken of any insurance period completed under the legislation of the Republic of Poland from 1 April 1954.

2. If the beneficiary or his survivor qualifies for the benefit when periods of insurance completed under the legislation of both Contracting Parties are added together, the competent insurance institution of the State of Israel shall determine the benefit as follows:

1) Benefits in the State of Israel which are payable to a person who has completed the qualifying periods of insurance according to legislation of the State of Israel shall be taken into account as a theoretical sum.

2) On the basis of the theoretical sum referred to in subparagraph 1 the insurance institution shall calculate the partial benefit payable according to the ratio between the length of periods of insurance which the person has completed under the legislation of the State of Israel and the total of all insurance periods completed by him under the legislation of both Contracting Parties.
3. The right to an old-age pension shall be conditional upon the beneficiary having been a resident of the State of Israel or of the Republic of Poland immediately prior to attaining the age entitling him to an old-age pension. According to the Israeli legislation period of insurance required for an old-age pension is 144 months.

4. The right to a survivors' pension shall be conditional upon the beneficiary and the deceased having been residents of the State of Israel or of the Republic of Poland at the time of death, or the deceased having received an old age pension immediately before his death in accordance with the legislation of the State of Israel.

5. Vocational training and subsistence allowance for widows and orphans are payable to persons designated in paragraph 1 only if they reside in the State of Israel and for as long as they are actually present in the State of Israel.

Article 14
Invalidity benefits

1. A person covered by this Agreement shall be entitled to an invalidity benefit if he has been insured as a resident in the State of Israel for at least 12 consecutive months immediately prior to becoming an invalid.

2. Special services for handicapped, subsistence allowances for handicapped children of an insured person, professional rehabilitation for a handicapped person, vocational training and a subsistence allowance for his spouse are payable to such a person provided that the person is resident in the State of Israel and for as long that he is actually present in the State of Israel.

3. A person covered by this Agreement who resides outside the State of Israel and is entitled to an invalidity benefit from the State of Israel shall continue to receive the benefit that he was awarded even if there is an increase in the degree of his invalidity, as a result of an aggravation of his medical condition or the occurrence of a further cause of invalidity arising abroad.

Chapter 3
Application of the legislation of the Republic of Poland

Article 15
Old-age, disability and survivors' pensions

1. If in accordance with the legislation of the Republic of Poland, the right to old-age pension, disability pension or survivors' pension is granted after the application of the provisions of
Article 10 of this Agreement, the competent institution shall determine the old-age pension, disability pension or survivors' pension in the following way:

1) it shall calculate the theoretical amount of old-age pension, disability pension or survivor's pension, payable if all the insurance periods were completed in accordance with its applicable legislation;

2) on the basis of the theoretical amount referred to in subparagraph 1, it determines a real amount of old-age pension, disability pension or survivors' pension based on the proportion of the insurance periods completed in accordance with the legislation which it applies to the total of all insurance periods completed.

2. When determining the base of calculation for old-age pension, disability pensions or survivors' pension, the competent institution shall consider only the remuneration received in accordance with the legislation applied by this institution and contributions paid in accordance with this legislation.

Chapter 4
Accidents at work and occupational diseases

Article 16
Establishing the right to benefits in respect of accidents at work

The right to benefits in respect of accidents at work shall be determined in accordance with the legislation of the Contracting Party to which the insured person was subject at the moment of the accident at work.

Article 17
Establishing the right to benefits in respect of occupational diseases

1. The right to benefits in respect of occupational diseases shall be determined in accordance with the legislation of the Contracting Party to which the insured person was subject while performing the work which had caused their occupational disease.

2. If granting benefits for occupational diseases in accordance with the legislation of one Contracting Party depends on identifying the existence of this occupational disease for the first time on the territory of this Contracting Party, this condition is regarded as met if the disease has been diagnosed for the first time on the territory of the other Contracting Party.

3. If granting benefits for occupational diseases in accordance with the legislation of one Contracting Party depends on performing work which caused the occupational disease for a specified time, the competent institution of this Contracting Party shall also take into consideration the period of performing the same type of work in accordance with the legislation of the other Contracting Party.

Article 18
Aggravation of an occupational disease

1. If the right to benefits for occupational disease has arisen in accordance with the legislation of one Contracting Party, the competent institution of this Contracting Party shall be responsible for payment of benefits for aggravation of an occupational disease, even if this aggravation occurred at the time when the insured person was subject to the legislation of the other Contracting Party, provided that this person did not perform work putting them at risk of an occupational disease.

2. In the event of aggravation of an occupational disease in case of a person receiving benefits for occupational disease according to the legislation of one Contracting Party, while performing work which may cause an occupational disease, on the territory of the other Contracting Party:
   
   1) the competent institution of the former Contracting Party shall continue to pay the benefits granted, without taking into consideration the aggravation of an occupational disease;
   
   2) the competent institution of the latter Contracting Party to whose legislation the insured person was subject while performing work which might result in an aggravation of an occupational disease, shall grant a benefit to the amount of the difference between the amount of the benefit to which the insured person is entitled, following the aggravation of an occupational disease and the amount of the benefit to which they would be entitled prior to the aggravation of an occupational disease, in accordance with the legislation that it applies.

Chapter 5
Maternity benefits

Article 19
Granting maternity benefits

1. Maternity benefits shall be granted according to the legislation of the Contracting Party to whose legislation the entitled person is subject at the time of confinement or adoption.

2. Insurance periods completed under the legislation of each of the Contracting Parties, shall be taken into account, as necessary, in determining the right to benefits and their entitlement period, provided that these do not overlap.

3. When calculating the maternity benefit, the competent institution shall consider only the amount earned in accordance with the legislation applied by this institution.

Chapter 6
Funeral grants

Article 20
Granting funeral grants

Funeral grant shall be determined and paid by the competent institution of a Contracting Party whose legislation applies to the deceased person at the time of death.
PART IV
Miscellaneous provisions

Article 21
Powers of competent authorities

For the purpose of the implementation of this Agreement, the competent authorities:

1) shall decide on the procedures of application of this Agreement in the administrative agreement,
2) shall designate liaison bodies and competent institutions for the purpose of facilitating and accelerating the application of the provisions of this Agreement,
3) shall exchange information on any changes in legislation that may affect the application of the provisions of this Agreement.

Article 22
Administrative assistance

1. The competent authorities, the liaison bodies and the competent institutions of the Contracting Parties shall assist each other in implementing this Agreement. This administrative assistance shall be free of charge, unless the competent authorities otherwise agree on reimbursement of certain costs.

2. The competent authorities, the liaison bodies and the competent institutions of the Contracting Parties may communicate directly with each other and with the persons concerned or with their representatives. Such communication shall be made in the official languages of the Contracting Parties or in the English language.

Article 23
Exchange of personal data

1. Subject to the provisions of this Article and only upon request of the insured person, the competent institution of both Contracting Parties are authorized to exchange personal data relating to that person, for the implementation of this Agreement.

2. Transferring personal data shall be subject to the legislation concerning the protection of privacy and personal data of the transferring Contracting Party.

3. Processing of personal data by the competent institution by the Contracting Party to which the data is transferred, shall be in accordance with the legislation concerning the protection of privacy and personal data of the receiving Contracting Party.

4. The personal data referred to in this article shall be kept private and shall be used solely for the purpose of the determining the entitlement to pensions and benefits in accordance with this Agreement. The personal data specified in the request shall only be transferred between the liaison bodies, competent institutions or authorized authorities of both Contracting Parties and shall not be transmitted onwards to third bodies.
5. The Contracting Parties shall take measures to protect the personal data required under this Agreement from accidental or illegal destruction, loss, accidental disclosure, or modification unauthorized access or from any type of non-authorized processing.

6. Personal data acquired under this Agreement shall be stored and protected in compliance with the applicable legislation of the Contracting Parties.

Article 24
Exemption from charges and authentication

1. If in accordance with the legislation of a Contracting Party any claim, certificate or other document is not subject, or is totally or partially, exempted from charges, this also applies to claims, certificates and documents submitted in accordance with the legislation of the other Contracting Party.

2. Documents and certificates which are presented for purposes of this Agreement shall be exempt from authentication by diplomatic or consular authorities.

Article 25
Submission of documents

1. Claims, complaints, appeals against decisions and declarations submitted to the competent authority, liaison body or competent institution of one Contracting Party shall be regarded as submitted to the competent authority, liaison body or competent institution of the other Contracting Party on the same date.

2. A claim for granting a benefit which complies with the legislation of one Contracting Party shall be regarded as a request for respective benefits compliant with the legislation of the other Contracting Party, unless the claimant specifically applies for postponing the determination of the right to a retirement pension pursuant to the legislation of the other Contracting Party.

Article 26
Medical examinations

1. Medical examinations of persons residing or staying on the territory of the other Contracting Party shall be performed by the institution in the place of residence or stay at the request and expense of the competent institution.

2. The cost of medical examinations is not reimbursed if the examinations are performed for institutions of both Contracting Parties.
Article 27
Applicable language

1. For the purposes of application of the present Agreement, the competent authorities, liaison bodies and competent institutions of the Contracting Parties use the official languages of each Contracting Party or the English language.

2. The competent authorities, liaison bodies and competent institutions of one Contracting Party may not reject claims, appeals or other documents referred to them on the grounds that the documents have been drawn up in the official language of the other Contracting Party or in the English language.

Article 28
Payment of benefits

1. The competent authorities of each Contracting Party shall pay cash benefits under the present Agreement directly to the entitled persons who reside on the territory of the other Contracting Party in the official currency of their state, and in case of the lack of convertible currency, in another freely convertible currency.

2. If any of the Contracting Parties introduces provisions restricting withdrawals, wire transfers or transfers of funds, this Party shall immediately take the necessary action to guarantee the transfer of the amounts granted in accordance with this Agreement. The payment will be performed without any deductions for administrative expenses that may result from the benefit payment procedure. Nevertheless the beneficiary is responsible for the cost of keeping a bank account.

Article 29
Resolution of disputes

1. Any dispute concerning the interpretation or application of this Agreement shall be settled by way of consultation between the competent authorities of the Contracting Parties.

2. If the competent authorities are not able, in accordance with paragraph 1, to resolve such disputes, these will be settled by way of negotiation.

PART V
Transitional and final provisions

Article 30
Transitional provisions

1. This Agreement does not grant the right to payment of benefits for the period prior to the date of its entry into force.

2. While determining the right to benefits granted under the present Agreement, insurance periods completed in accordance with the legislation of each Contracting Party shall be taken into consideration before the entry into force of the present Agreement.
3. The provisions of this Agreement may also apply to events that took place before the date of entry into force of this Agreement, provided that the obligations arising from them have not been previously regulated.

4. On the request of the person concerned, benefits granted before the date of entry into force of this Agreement may be determined in accordance with the provisions of this Agreement, if the change is due solely to the provisions of this Agreement. Such re-establishment of the right to benefits may not cause a reduction of the amount of the benefit.

5. All benefits that have not been granted or whose payment has been suspended because of the nationality of the person concerned or their place of residence on the territory of the other Contracting Party, at the request of the person concerned, shall be granted or their payment resumed in accordance with the provisions of this Agreement, provided that the benefits previously granted were not paid on a one-off basis.

6. In case of applying Article 7 paragraph 1 of this Agreement to the employees posted to the territory of one Contracting Party before the date of entry into force of this Agreement, it shall be considered that the periods of employment listed in this paragraph will start on the date when the Agreement enters into force.

**Article 31**

**Duration of the Agreement**

1. This Agreement is concluded for an indefinite period of time. It may be terminated by either Contracting Party by means of a written notification through diplomatic channels no later than 6 months before the end of the calendar year. In this case, the Agreement shall be valid until the end of that year.

2. In the event of a termination of this Agreement, the entitlement to benefits acquired in accordance with its provisions shall be preserved.

3. Claims submitted before the date of termination of this Agreement shall be considered in accordance with the provisions of this Agreement.

**Article 32**

**Entry into force of the Agreement**

The Contracting Parties shall inform each other, by way of written notification through diplomatic channels, of the completion of the statutory and constitutional procedures necessary for the entry into force of this Agreement. This Agreement shall enter into force on the first day of the third month following the month of the last notification.

IN WITNESS WHEREOF, the undersigned, duly authorised, have signed the this Agreement.
DONE at Jerusalem...on......22/11/2016, which corresponds to ......... in two original copies in Polish, Hebrew and English, each text being equally authentic. In the case of divergence of interpretation, the English text shall prevail.

FOR THE REPUBLIC OF POLAND

FOR THE STATE OF ISRAEL