

Warsaw, 18 June 2013

Ref: 990600/500/36/2013/SRP

National Insurance Institut
Main Directoriat „Pension”
Diretion „International Agreement”
Bul. Alexander Stambolijski 62-64
Sofia 1303
BULGARIA

Concerning: *Amendments in Polish legal regulations.*

Regarding the amendments of pension regulations in Poland related to common social security system for employees and self-employed, non-agricultural workers I would like to give you the following information.

1. In its judgment of 28th February 2012, Ref. No. K 5/11, the Constitutional Court ruled that Art. 114. Paragraph 1a of the Act of 17th December 1998 on pensions from the Social Insurance Fund (hereinafter referred to as the pension law) is incompatible with the principle of citizens' trust in the state and its laws resulting from art. 2 and art. 67 paragraph 1 of the Constitution of the Republic of Poland. Consequently, the above-quoted provision of Article 114 Paragraph 1a of the Act of 17th December 1998 on pensions from the Social Insurance Fund expired on 8th March 2012.

The provision of Art. 114 Paragraph 1 a of the above Act in force until 7th March 2012, as a basis for re-determination by the pension authorities of the Social Insurance Institution - at the request of the person concerned or on its own - the right to benefits or the amount thereof when after the decision come to the force the pension authorities of the Social Insurance Institution found that the evidence submitted did not provide a basis for determining the right to a pension or its height.

Therefore, as of 8th March 2012, there is no reason to re-establish by the pension authority of the Social Insurance Institution the right to a pension or its amount, in cases where the pension authority of the Social Insurance Institution mistakenly established the right to a pension or its amount due to an incorrect assessment of the evidence submitted.

2. In its judgment of 13th October 2012, ref. K2/12 the Constitutional Court ruled that the provisions suspending from 1st October 2011 the right to a pension to those who retired before 1st January 2011 and did not resolve the employment relationship, are incompatible with the Polish Constitution.

Constitutional Court's judgment also applies to persons to whom the Social Insurance Institution suspended payment of the retirement benefit due to not canceling the employment relationship in the EU / EFTA countries and in countries that have international agreement on social security with Poland (except Australia).

Therefore, those who have retired before 1st January 2011 and whom - because of continuing employment undertaken before retirement - the Social Insurance Institution suspended payment of benefits from 1st October 2011 can now submit a request to pay the benefit.

The application for pension payment can be submitted in the ZUS unit, which took the decision to suspend the payment of pension. The above mentioned application can be submitted in any ZUS unit, which will forward it to the competent unit. Submitting the application will also be effective in the case if it is submitted in a foreign insurance institution of EU / EFTA country or a country with which Poland has an international agreement on social security.

3. Beneficiaries, whose pensions have been suspended as of 1st October 2012 due to uncanceled employment relationship established before the acquisition of an established right to a pension are entitled - pursuant to Art. 194 c - 194 h of the pension law - to recalculation the benefit.

Recalculation of pension is due when the total of the following conditions are met:

- pension was granted before 1st January 2011,
- pension was received in the period from 1st January 2009 to 30th September 2011 at least during part of the period,
- the right to a pension has been suspended since 1st October 2011 in connection with continuing the employment,
- suspension of the right to a pension in this mode lasted at least 18 months,
- request for recalculation of pension has been submitted after the termination of pension insurance.

The right to recalculation of the pension is also due to beneficiaries, whose right to a pension has been suspended as of 1st October 2011 in connection with continued employment by a foreign employer in the countries with which Poland has an international agreement on social security making the foreign and Polish employment periods equal, i.e.:

- in the Member States of the European Union and EFTA countries (i.e. Norway, Iceland, Liechtenstein and Switzerland);
- in the USA, Canada, South Korea, Macedonia, Croatia, Serbia, Montenegro, Bosnia and Herzegovina.

Condition of the pension law according to which the recalculation of retirement pension at the request submitted after the termination of pension and disability insurance applies only to termination of the insurance on the basis of the Polish law. This means that the pension authority will not investigate if the pension insurance ceased within the meaning of the laws of the Member States of the EU / EFTA and countries with whom Poland has bilateral agreement on social security.

Recalculation of the pension in accordance with the above rules may take place only once. This means that the next recalculation may take place on general principles. If, as a result of recalculation the pension is lower, the benefit is due in the previous amount.

The first request for recalculation of pension in accordance with specified rules may be submitted at the earliest on 1st April 2013.

4. In the law on pensions from the Social Insurance Fund as amended by the Act of 11th May 2012 amending the law on pensions from the Social Insurance Fund and other acts (Journal of Laws of 2012, pos. 637), since 1st January 2013 the following regulations have been introduced:
 - 1) The retirement age for men and women born after 31st December 1948 will be subject to increase to the same level of 67 years in such a way that:

- retirement age for women will gradually rise from 60 years to 67 years (starting with women born after 31st December 1952);
- retirement age for men will gradually rise from 65 years to 67 years (starting from men born after 31st December 1948).

The retirement age for men born after 31st December 1947 and before 1st January 1949 will be subject to the gradual increase from 65 years to 65 years and 4 months

Raising the retirement age does not apply to women born after 31st December 1948 and before 1st January 1953 and men born by 31st December 1947.

General retirement age for men and women based on the date of birth is shown in *Information on the common retirement age for men and women after 1st January 2013* which is attached to the letter.

- 2) The basis for the calculation of pensions granted under Art. 24 of the pension act is the amount of pension contributions, including valorization of the contributions recorded on the account of the insured person to the end of the month preceding the month from which both the pension payment and the indexed pension initial capital are eligible. If an application for a pension on the basis of Art. 24 pension law submits a person entitled to early retirement, the basis for calculating the pension is reduced by the amount of received pensions - before withholding the income tax and health insurance premiums.

In the case when early retirement pension was subject to reduction because of the income that causes reduction of pension, the basis for calculating pensions granted under Art. 24 of the pension act shall be reduced by the reduced amounts of early retirement pension.

In the case when on the early retirement pension deductions or execution were made, the basis for calculating the pension granted on the basis of Art. 24 of the pension act is reduced by the amount before deductions and execution.

- 3) Those persons who reach the retirement age in 2014 can have the pension set under the terms of Art. 183 of pension law, i.e. mixed way. The benefit amount is determined as the sum of:
 - 20% of the pension determined on the principles applicable to benefits under the scheme of defined benefit.
 - 80% of the pension determined on the principles applicable to benefits under the scheme of defined contribution.
- 4) From 1st January 2013 the art 87 of pension law which provides for an increase in pension to the lowest amount of benefit if the insured person has proven contributory and non-contributory periods in period of at least 20 years for women and 25 years for men has changed. Gradually - from 20 to 25 years - the contributory and non-contributory period required for women to increase pension to the amount of the minimum pension guaranteed by law will be increased.

The seniority entitling to increase pension to the minimum pension will be:

- from 1st January 2013 to 31st December 2013 - 20 years
- from 1st January 2014 to 31st December 2015 - 21 years
- from 1st January 2016 to 31st December 2017 - 22 years
- from 1st January 2018 to 31st December 2018 - 23 years
- from 1 January 2020 to 31st December 2021 - 24 years
- from 1st January 2022 - 25 years

Introduced in Art. 87 pension law gradually raising the contributory and non-contributory periods which entitles a woman to increase the pension to the minimum pension is also important when examining the rights to payments to a minimum. In assessing if the condition of seniority is fulfilled for determining payments to a minimum to the pension of the scheme of defined contribution analogous principle of linking seniority with the date of the retirement age as to an increase to the minimum is used.

- 5) In connection with the extension of the retirement age the rules of the Act on funded pensions have been changed. Amending law provides for 2014-2020 gradual extension of women's right to periodic funded pension until they reach 67 years of age. Similarly, the age from which the lifetime capital pension is eligible is being increased.
- 6) The condition of termination of the employment relationship to establish the right to a pension for working in special conditions or special character on the basis of Art. 184 of pension law has been abolished.

This means that a person who continues employment relationship with the current employer - will be eligible for a retirement pension for working in special conditions or special character if he or she meets the other conditions for that benefit. However, payment of pensions granted under Art. 184 of the pension law will be suspended until termination of employment relationship concluded before the pension was granted.

This also applies to pensioners employed in the Member States of the EU / EFTA and in countries with which Poland has bilateral international agreements on social security (with the exception of persons employed in Australia).

- 7) Due to the increase of the retirement age the period of time, to which hypothetical internship must be added in determining the pension for incapacity for work has been extended. Internship is calculated for each year of the period needed to complete the full 25 years of contributory and non-contributory periods falling from the date of the application for a pension to the date on which the pensioner would achieve the retirement age as defined in Art. 24. Paragraph 1a of pension law, and therefore the age set for women (ultimately 67 years).

New rules for determining the so-called hypothetical internship is used in determining the amount of: disability pension to work due to general health, pension for incapacity for work due to an accident at work or an occupational disease and survivors' pensions after persons eligible for these pensions.

- 8) The possibility to have a partial retirement before the general retirement age has been introduced.

The partial pension is eligible to the policyholders who have not reached the general retirement age, if they meet the following conditions:

- reached the age of at least 62 years for women and 65 for men,
- have contributory and non-contributory periods of at least 35 years for women and 40 years for men.

The amount of the partial pension is 50% of the pension eligible at the general retirement age and cannot be increased to the minimum pension. The payment of a partial pension shall not be subject to termination of employment relationship nor to income.

Once the person entitled to a partial pension reaches the appropriate general retirement age and upon termination of employment relationship a partial pension - at the request of the pensioner - will be converted to pension in the general retirement age.

The basis for the calculation of pension eligible at general retirement age will be reduced by an amount equivalent to previously received pensions (of gross) granted prior to reaching retirement age.

The first partial retirement will be granted from 1st January 2014.

- 9) There has been introduced a possibility to pay voluntary contributions to the pension scheme by persons who do not meet the conditions to be included into the mandatory insurance.
5. I would like to inform that the Polish social security system, beside Social Insurance Institution, has also other social security institutions responsible for sectors of unemployment benefits, family benefits and sickness benefits in kind.

- **Unemployment benefits and family benefits:**

Liaison body:

Ministerstwo Pracy i Polityki Społecznej
ul. Nowogrodzka 1/3/5
00-513 Warszawa
Poland
Tel.: +48 22 661-10-00
Web page: www.mpips.gov.pl
email: info@mpips.gov.pl

- **Sickness benefits in kind:**

Liaison body:

Centrala Narodowego Funduszu Zdrowia
ul. Grójecka 186
02-390 Warszawa
Tel.: +48 22 572-60-00
Web page: www.nfz.gov.pl
email: infolinia@nfz.gov.pl

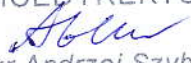
6. Regarding the cases of directing the applications for the benefits to the Foreign Pensions Department (Departament Rent Zagranicznych) as a liaison body, instead of to the appropriate Division for Implementation of International Agreements (Wydział Realizacji Umów Międzynarodowych), I kindly request to submit forms E202, E203, E204 and other forms directly to Social Insurance Institution units implementing international agreements in accordance with the annex to this letter. This will affect the faster and more efficient settlement of the case. At the same time I would like to inform that for the explanation procedure of pension benefits original supporting documents or copies certified as true copies should always be directed to the Social Insurance Institution.

7. Due to Croatia's accession to the European Union on 1st July 2013, I would like to inform that the Social Insurance Institution unit responsible for handling cases concerning persons with exclusively Polish periods of insurance, residing in Croatia and persons who have completed periods of insurance, both Polish and foreign, including the recently completed in Croatia, regardless of their country of residence, will be Division for Implementation of International Agreements in the I Department of Social Insurance Institution in Warsaw.

Annexes 2

Yours sincerely,

WICEDYREKTOR


mgr Andrzej Szybkie

Information on the common retirement age for men and women after 1st January 2013.

- **for females born between:**

Period of birth	Common age for retirement after 1st January 2013
to 31 st December 1952	At least 60 years
From 1 st 1953 to 31 st March 1953	At least 60 years and 1 month
From 1 st April 1953 to 30 th June 1953	At least 60 years and 2 months
From 1 st July 1953 to 30 th September 1953	At least 60 years and 3 months
From 1 st October 1953 to 31 st December 1953	At least 60 years and 4 months
From 1 st 1954 to 31 st March 1954	At least 60 years and 5 months
From 1 st April 1954 to 30 th June 1954	At least 60 years and 6 months
From 1 st July 1954 to 30 th September 1954	At least 60 years and 7 months
From 1 st October 1954 to 31 st December 1954	At least 60 years and 8 months
From 1 st 1955 to 31 st March 1955	At least 60 years and 9 months
From 1 st April 1955 to 30 th June 1955	At least 60 years and 10 months
From 1 st July 1955 to 30 th September 1955	At least 60 years and 11 months
From 1 st October 1955 to 31 st December 1955	At least 61 years
From 1 st 1956 to 31 st March 1956	At least 61 years and 1 month
From 1 st April 1956 to 30 th June 1956	At least 61 years and 2 months
From 1 st July 1956 to 30 th September 1956	At least 61 years and 3 months
From 1 st October 1956 to 31 st December 1956	At least 61 years and 4 months
From 1 st 1957 to 31 st March 1957	At least 61 years and 5 months
From 1 st April 1957 to 30 th June 1957	At least 61 years and 6 months
From 1 st July 1957 to 30 th September 1957	At least 61 years and 7 months
From 1 st October 1957 to 31 st December 1957	At least 61 years and 8 months
From 1 st 1958 to 31 st March 1958	At least 61 years and 9 months
From 1 st April 1958 to 30 th June 1958	At least 61 years and 10 months

From 1 st September 1958 to 30 th September 1958	At least 61 years and 11 months
From 1 st October 1958 to 31 st December 1958	At least 62 years
From 1 st 1959 to 31 st March 1959	At least 62 years and 1 month
From 1 st April 1959 to 30 th June 1959	At least 62 years and 2 months
From 1 st July 1959 to 30 th September 1959	At least 62 years and 3 months
From 1 st October 1959 to 31 st December 1959	At least 62 years and 4 months
From 1 st 1960 to 31 st March 1960	At least 62 years and 5 months
From 1 st April 1960 to 30 th June 1960	At least 62 years and 6 months
From 1 st July 1960 to 30 th September 1960	At least 62 years and 7 months
From 1 st October 1960 to 31 st December 1960	At least 62 years and 8 months
From 1 st 1961 to 31 st March 1961	At least 62 years and 9 months
From 1 st April 1961 to 30 th June 1961	At least 62 years and 10 months
From 1 st July 1961 to 30 th September 1961	At least 62 years and 11 months
From 1 st October 1961 to 31 st December 1961	At least 63 years
From 1 st 1962 to 31 st March 1962	At least 63 years and 1 month
From 1 st April 1962 to 30 th June 1962	At least 63 years and 2 months
From 1 st July 1962 to 30 th September 1962	At least 63 years and 3 months
From 1 st October 1962 to 31 st December 1962	At least 63 years and 4 months
From 1 st 1963 to 31 st March 1963	At least 63 years and 5 months
From 1 st April 1963 to 30 th June 1963	At least 63 years and 6 months
From 1 st July 1963 to 30 th September 1963	At least 63 years and 7 months
From 1 st October 1963 to 31 st December 1963	At least 63 years and 8 months
From 1 st 1964 to 31 st March 1964	At least 63 years and 9 months
From 1 st April 1964 to 30 th June 1964	At least 63 years and 10 months
From 1 st July 1964 to 30 th September 1964	At least 63 years and 11 months
From 1 st October 1964 to 31 st December 1964	At least 64 years
From 1 st 1965 to 31 st March 1965	At least 64 years and 1 month
From 1 st April 1965 to 30 th June 1965	At least 64 years and 2 months

From 1 st July 1965 to 30 th September 1965	At least 64 years and 3 months
From 1 st October 1965 to 31 st December 1965	At least 64 years and 4 months
From 1 st 1966 to 31 st March 1966	At least 64 years and 5 months
From 1 st April 1966 to 30 th June 1966	At least 64 years and 6 months
From 1 st July 1966 to 30 th September 1966	At least 64 years and 7 months
From 1 st October 1966 to 31 st December 1966	At least 64 years and 8 months
From 1 st 1967 to 31 st March 1967	At least 64 years and 9 months
From 1 st April 1967 to 30 th June 1967	At least 64 years and 10 months
From 1 st July 1967 to 30 th September 1967	At least 64 years and 11 months
From 1 st October 1967 to 31 st December 1967	At least 65 years
From 1 st 1968 to 31 st March 1968	At least 65 years and 1 month
From 1 st April 1968 to 30 th June 1968	At least 65 years and 2 months
From 1 st July 1968 to 30 th September 1968	At least 65 years and 3 months
From 1 st October 1968 to 31 st December 1968	At least 65 years and 4 months
From 1 st 1969 to 31 st March 1969	At least 65 years and 5 months
From 1 st April 1969 to 30 th June 1969	At least 65 years and 6 months
From 1 st July 1969 to 30 th September 1969	At least 65 years and 7 months
From 1 st October 1969 to 31 st December 1969	At least 65 years and 8 months
From 1 st 1970 to 31 st March 1970	At least 65 years and 9 months
From 1 st April 1970 to 30 th June 1970	At least 65 years and 10 months
From 1 st July 1970 to 30 th September 1970	At least 65 years and 11 months
From 1 st October 1970 to 31 st December 1970	At least 66 years
From 1 st 1971 to 31 st March 1971	At least 66 years and 1 month
From 1 st April 1971 to 30 th June 1971	At least 66 years and 2 months
From 1 st July 1971 to 30 th September 1971	At least 66 years and 3 months
From 1 st October 1971 to 31 st December 1971	At least 66 years and 4 months
From 1 st 1972 to 31 st March 1972	At least 66 years and 5 months
From 1 st April 1972 to 30 th June 1972	At least 66 years and 6 months

From 1 st July 1972 to 30 th September 1972	At least 66 years and 7 months
From 1 st October 1972 to 31 st December 1972	At least 66 years and 8 months
From 1 st 1973 to 31 st March 1973	At least 66 years and 9 months
From 1 st April 1973 to 30 th June 1973	At least 66 years and 10 months
From 1 st July 1973 to 30 th September 1973	At least 66 years and 11 months
After 30 th September 1973	At least 67 years

- for males born between:

Period of birth	Common age for retirement after 1st January 2013
From 1 st 1949 to 31 st March 1949	At least 65 years and 5 months
From 1 st April 1949 to 30 th June 1949	At least 65 years and 6 months
From 1 st July 1949 to 30 th September 1949	At least 65 years and 7 months
From 1 st October 1949 to 31 st December 1949	At least 65 years and 8 months
From 1 st 1950 to 31 st March 1950	At least 65 years and 9 months
From 1 st April 1950 to 30 th June 1950	At least 65 years and 10 months
From 1 st July 1950 to 30 th September 1950	At least 65 years and 11 months
From 1 st October 1950 to 31 st December 1950	At least 66 years
From 1 st 1951 to 31 st March 1951	At least 66 years and 1 month
From 1 st April 1951 to 30 th June 1951	At least 66 years and 2 months
From 1 st July 1951 to 30 th September 1951	At least 66 years and 3 months
From 1 st October 1951 to 31 st December 1951	At least 66 years and 4 months
From 1 st 1952 to 31 st March 1952	At least 66 years and 5 months
From 1 st April 1952 to 30 th June 1952	At least 66 years and 6 months
From 1 st July 1952 to 30 th September 1952	At least 66 years and 7 months
From 1 st October 1952 to 31 st December 1952	At least 66 years and 8 months
From 1 st 1953 to 31 st March 1953	At least 66 years and 9 months
From 1 st April 1953 to 30 th June 1953	At least 66 years and 10 months
From 1 st July 1953 to 30 th September 1953	At least 66 years and 11 months

After 30 th September 1953	At least 67 years
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- for males born between 1st January 1948 to 31st December 1948 retirement age was increased and amounts to:

Period of birth	Common age for retirement after 1st January 2013
From 1 st 1948 to 31 st March 1948	65 years and 1 month
From 1 st April 1948 to 30 th June 1948	65 years and 2 months
From 1 st July 1948 to 30 th September 1948	65 years and 3 months
From 1 st October 1948 to 31 st December 1948	65 years and 4 months



**The list of
Territorial Branches of Zakład Ubezpieczeń Społecznych
indicated by President of ZUS to investigate the claims for retirement,
invalidity and survivor pensions
in EU/EFTA**

No.	The branch of ZUS investigating the claims for pensions	- competent for person:	
		who has completed only Polish periods of insurance, residing in following Member States:	or Residing in Poland or abroad who completed Polish periods of insurance and periods of insurance or residence in other Member States but lately in:
1.	Social Insurance Institution Łódź I Branch Office International Treaty Performance Department ul. Zamenhofa 2 90-431 Łódź tel.: + 48 (42) 638-29-67 + 48 (42) 638-29-34 (from 12 to 15) + 48 (42) 638-24-80 fax: + 48 (42) 638-24-59 in the scope of EU Regulations		Cyprus Greece Spain Malta Portugal Italia
2.	Social Insurance Institution Nowy Sącz Branch Office International Treaty Performance Department ul. Węgierska 11 33-300 Nowy Sącz tel.: +48 (18) 449 84 06 to 13 +48 (18) 449 84 15 to 70 +48 (18) 449 84 72 +48 (18) 449 84 81 in the scope of EU Regulations		Czech Republic Slovakia
3.	Social Insurance Institution Tarnów Branch Office International Treaty Performance Department ul. Kościuszki 32 33-100 Tarnów tel.: + 48 (14) 621-43-71 to 74 ext. 306, 461, 362, 458, 459 in the scope of EU Regulations		Austria Lichtenstein Slovenia Hungary Switzerland
4.	Social Insurance Institution Opole Branch Office International Treaty Performance Department ul. Wrocławska 24 45-701 Opole tel.: + 48 (77) 451-16-81		Germany

	+ 48 (77) 451-17-58 + 48 (77) 451-17-61 in the scope of EU Regulations	
5.	Social Insurance Institution Szczecin Branch Office International Treaty Performance Department ul. Matejki 22 70-530 Szczecin tel.: +48 (91) 810-18-02 +48 (91) 810-18-04 +48 (91) 810-18-08 +48 (91) 810-18-11 +48 (91) 810-18-14 +48 (91) 810-18-17 fax: +48 (91) 810-18-03 in the scope of EU Regulations	Denmark Estonia Finland Island Lithuania Latvia Norway Sweden
6.	Social Insurance Institution Warszawa Branch Office International Treaty Performance Department ul. Kasprowicza 151 01-949 Warszawa tel.: + 48 (22) 569-36-04 + 48 (22) 569-36-13 + 48 (22) 569-35-93 + 48 (22) 569-36-50 in the scope of EU Regulations	Belgium Bulgaria France the Netherlands Ireland Luxemburg Romania United Kingdom <hr style="border-top: 1px dashed black;"/> Croatia – from 1 July 2013r as a EU Member