POLAND

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I SUMMARY

Social Security

Eligibility	All non-agricultural employed persons. Farmers and some professionals are covered by different social insurance schemes.
Retirement Age	67M/F*
Contributions	Employer's contributions: 19.48% to 22.67% of earnings. Employee's contributions: 22.71% of earnings.
Retirement Benefits	Old Age Pension: Depends on total contributions paid and on the number of contribution and non-contribution years.
Disability Benefits	Disability Pension: Depending on degree of disability and on contribution and non-contribution years.
Death Benefits	Survivors' Pension: Between 85% and 95% of accrued or actual old age pension or pension following total inability to perform any paid work, depending on number of dependants.
Medical Benefits	National Health Fund offers the state medical programme. All citizens under the public system enjoy this service.

* Indicated aim of retirement of 67 years will be achieved for women in 2040, and for men already in 2020. By 2040 the retirement age for men and women will be the same.

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Private Benefit Plans

Eligibility	All employees, depending on employer's policy
Retirement Age	67M/F
Contributions	Employer Contributions: Up to 7% of salary (basic contribution). Employee Contributions: additional contributions may be paid on an individual basis
Retirement Benefits	Depending on total contributions paid. Either lump sum or recurrent payments at request of employee.
Disability Benefits	Not well established as a rider to private pension. Wide range of risks covered in standalone group life contracts.
Death Benefits	Survivors' Pension: Not well established. Lump Sum Death: The payable benefits consist both of the money accumulated in the plan (cash value) and the insurance sum (only in group investment life insurance).
Medical Benefits	By law, basic medical benefits, namely initial and periodical medical examinations, have to be provided by the company. Medical riders are not usual for private pension programmes. Wide range of medical benefits is available either as a standalone product or as rider to risk insurance.

Taxation

Employer Contributions	Social security: Deductible. Private benefit plans: Deductible.
Employee Contributions	Social security: Deductible. Private benefit plans: Not deductible.
Benefits	Investment gains in private group benefit plans: Tax-free. Social security: Taxed. Private group benefit plans: Tax-free.

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II INTRODUCTION

Country Statistics

Population/ growth rate	38, 483,957 (as of 30 June 2014) / -0.01% (as of 30 June 2014)
Age structure 0-14 years: 15-24 years: 25-54 years: 55-64 years: 65 years and over:	 14.9% 12.0% 43.4% 14.4% 14.9% (as of 30 June 2014)
GDP Real growth rate Agriculture in % of GDP Industry in % of GDP Services in % of GDP	USD 535 billion (as of 30 September 2014) 3.4% (as of 30 September 2014) 4% 33.3% 62.7% (2013 est.)
Unemployment rate	11.5% (as of 31 December 2014)
Inflation rate	1.0% (as of 31 December 2014)
Average annual gross salary Para-professionals* Professionals* Management* Legal minimum wage	in PLN General: 38,308 Skilled: 55,168 Junior: 79,448 Senior: 114,416 Lower: 194,686 Upper: 314,942 PLN 1,750 per month (as of January 1, 2015)
Exchange rate on February 27, 2015 Currency: Polish Zloty	1 PLN = 0.2703 USD 1 PLN = 0.2412 EUR

Sources: CIA World Factbook, 2015

*Mercer's International Geographic Salary Differentials, Edition 2015

Legislation and Insurance Market Update in Brief

From 1 January 2014 the contribution sent to pillar II pensions increased from 2.8% to 2.92%.

The Polish president has signed the pension reform bill, which has been approved by the parliament and came into effect at the end of January 2014. The Constitutional Court decided that the pension reform is compatible with Polish Constitution, however class action is proceeding against the reform in civil court.

III SOCIAL SECURITY

Background Information

On January 1, 1999 the pension system based on three pillars was introduced. The system consists of the Social Insurance Fund (managed by the Social Insurance Institution) as pillar I, open pension funds as pillar II (funds managed by private companies but still part of the social insurance system – Open Pension Funds called OFE), as well as pillar III with the following two programmes: employee pension programme – PPE (which is pillar II in OECD terminology) and individual retirement accounts – IKE (which is pillar III in OECD terminology).

On January 1, 2012 the Individual Pension Protect Account (IKZE) was introduced as new programme in pillar III.

People born before January 1, 1949 and those who on January 1, 1999 were already old age pensioners remained in the old system (their old age pension only comes from the Social Insurance Institution). Nevertheless, employees can participate in the third pillar (employee pension programmes set up by the employer, or individual retirement accounts, or both).

People born after December 31, 1948 can be included in the new system (pillar II) on a voluntary basis whereas for persons born after December 31, 1968, participation in open pension funds is mandatory.

Financing and operation of the new pension system:

Criterion	Pillar I	Pillar II	Pillar III
Funding method	Pay-As-You-Go (reformed)	Fully funded	Fully funded
Contribution payment	Employer and employees	Employees only	PPE: employer (employees on voluntary basis) IKE: employees only IKZE: employees only
Definition of anticipated old age pension	Defined contribution	Defined contribution	Defined contribution
Type of management	Public	Private	Private
Participation	Mandatory	Voluntary	Voluntary

In 2014 two major changes have been executed to the Polish pension system: the bond removal and an end of hitherto mandatory membership.

Bond removal

The Polish state and state-guaranteed bonds currently in OFE portfolios has been transferred to ZUS at their value on 31 December 2012, and then redeemed. (ZUS = Polish Social Insurance Institution)

The OFE is banned from investing in government bonds and fixed income securities (not just Polish ones), except municipal bonds, but has greater freedom to invest in equities and non-governmental bonds. All Polish sovereign and state guaranteed bond holdings, including central bank issues, have been transferred from the OFE on 3 February 2014. Since then OFE has to invest a minimum of 75% in equity, irrespective of their members' age and risk appetite. However the minimum requirement for investment in shares will be valid only until 2016.

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The first pillar Polish Social Insurance Institution (ZUS) will handle the OFE retirement payouts, with the accumulated funds transferred incrementally 10 years before retirement.

OFE premiums increased in 2014 to 2.92%. The remaining 4.38% contributions are assigned to an individual account at ZUS. For individuals who are not members of an OFE, contributions to the ZUS individual account amounts to 7.3%.

Since 1 July 2014 the minimum investment return benchmark was abolished.

The foreign investment cap of 5% will be raised gradually to 30% in 2016.

Change from mandatory to voluntary system

The hitherto mandatory system becomes voluntary.

New entrants to the labour market and existing OFE members had a three-month window from 1 April 2014 to declare their intention to remain in the second pillar or have future contributions transferred ZUS. (By default their future contributions will/have been moved to ZUS). Workers will have the few months option to transfer between ZUS and OFEs in 2016, then subsequently every four years.

Pensionable Years of Service

Pensionable years of service are split into:

- Contribution period (years of employment, maternity leave)
- Non-contribution period (higher education, childcare leave, period of rehabilitation while drawing benefits)

With respect to eligibility for pension benefits, the non-contribution period is taken into consideration but must not make up more than 1/3 of the contribution period.

First Pillar

Pensions are paid out by the Social Insurance Institution (ZUS). The pension amount depends on the sum of collected contributions (indexed to inflation rate) and the so called "initial capital". The old age pension also depends on the average life expectancy. ZUS holds accounts for all insured persons and premium payers. According to the law, the insured person is entitled to a pension when the pensionable age of 67M/F is reached.

Social insurance includes:

- Old age pension
- Disability pension
- Sickness
- Work accident

Second Pillar

Open pension funds managed by private companies - pension societies - form a mandatory funded pillar, subject to supervision by the state (Polish Financial Supervision Authority - KNF). Retirement benefits are financed by individual savings, which are accumulated and invested throughout the career of the insured person. The pension from pillar II depends on the amount accumulated on the individual account and on the pensioner's age.

Benefits from pillars I and II form the basic old age pension.

Third Pillar

This pillar consists of the employee pension programme (PPE), individual retirement accounts (IKE), individual pension protect accounts (IKZE), as well as life insurance with savings character and employee savings programmes. The third pillar is voluntary. All employees (including those covered by the old system) can save money under the third pillar.

Eligibility

All non-agricultural employed persons. Farmers and some professionals are covered by different insurance schemes.

Contributions

All employees are required to pay contributions to old age pension and disability insurance. The annual base for the calculation of old age pension and disability contributions is equal to the employee's base salary but cannot exceed the equivalent of 30 projected national average monthly salaries (amount projected in the budget). Contributions for old age, disability and sickness insurance are calculated as a percentage rate. The contribution rates for work accident insurance vary.

Social Security Contribution Rates:

Benefit type	Employer (%)	Employee (%)	Total (%)
Old age pension insurance	9.76	9.76	19.52
Disability/survivors' pensions/funeral grant	6.50	1.50	8.00
Work injury	0.67 to 3.86	Nil	0.67 to 3.86
Unemployment	2.45	Nil	2.45
Sickness (not medical)	Nil	2.45	2.45
Guarantee fund	0.10	Nil	0.10
Health insurance	Nil	9.0	9.0

Source: ZUS

Retirement Benefits

Retirement Age

Normal Retirement: 67M/F

Early Retirement: Still possible, for people who are covered by the pre-1999 system, if the necessary qualifying conditions are met (age 60 for men and 55 for women)

Late Retirement: Possible (up to 70)

Qualifying Conditions

- Pillar I - Old age pension for persons born after December 31, 1948: Insured persons born after this date are entitled to an old age pension after reaching 67M/F.
- Pillar I - Old age pension for persons born before January 1, 1949: Insured persons born before this date are entitled to an old age pension if they meet the following two criteria: (1) 65M/60F, and (2) contribution and non-contribution periods amount to at least 25M/20F. Women may receive the full old age pension at the age of 55, if they have 30 contribution and non-contribution years or if they have 20 contribution and non-contribution years

and are considered totally disabled and unable to work. Men may receive the full old age pension at the age of 60, if they have 35 contribution and non-contribution years or if they have 25 contribution and non-contribution years and are considered totally disabled and unable to work.

- Pillar II: in 2009 the capital pensions and the life capital pension funds acts came into force. These acts regulate types of benefits paid from the second pillar, rules for pensions from second pillar payments and for institutions entitled to pay capital pensions. Two types of pensions are paid to pensioners:
  - "Periodical capital pension" – paid to members of open pension funds after reaching age 60, and till age 65 (if the member's accumulated assets are equal to or greater than 20 nursing supplements.
  - "Life capital pension" – paid to members of open pension funds after reaching age 65 (if the hypothetical capital pension is equal to 50% of nursing supplement).

    Capital pensions are paid by the life capital pension funds with participation of the state Insurance Office.

Benefits

- Pillar I - Old age pension for persons born after December 31, 1948: The amount of pension equals the amount of contributions collected after December 31, 1998 (indexed) and the amount of the initial capital (indexed), divided by the average life expectancy. The initial capital is the amount calculated under the old principles, based on contributions paid in the period before the law came into force (January 1, 1999).
- Pillar I - Old age pension for persons born before January 1, 1949: The old age pension for people born before January 1, 1949 amounts to:
  - 24% of base value (base value is equal to 100% of average salary), and
  - 1.3% of pension base for each contribution year, and
  - 0.7% of pension base for each non-contribution year.
- Pillar II - The first benefits from the open pension funds were paid in 2009:
  - The "periodical capital pension" from the second pillar for members of open pension funds amount to: sum of assets accumulated on the member's account on attaining entitlement to pension divided by the average life expectancy for the member.
  - The "life capital pension" from the second pillar for members of open pension funds amounts to: the life capital pension monthly rate multiplied by the indicator that is equal to the contribution divided by 1,000.

Disability Benefits

Qualifying Conditions

To qualify for a disability pension, persons have to fulfil the following three conditions:

- They must be unable to work.
- The required contribution and non-contribution periods must have been completed.
- They must have become disabled during a specific period that is defined in the Disability Act or within a period of 18 months after their employment ceased.

A disabled person is defined as being partially or totally unable to work due to permanent or long-term poor health. There are two categories of disability:

<u>Category 1:</u>

Completely unable to perform any paid work. The individual is considered totally unable to physically perform any work and receives a disability pension for life.

Category 2:

Partially unable to perform any paid work. Persons considered temporarily unable to perform the current work that is related to their qualifications will receive a temporary disability pension. After a certain period, disability pension recipients of category 2 will be considered either to be able to continue their current employment or to obtain another less demanding job.

Additional benefit for a disabled person is a training pension, which is paid for the necessary period of vocational retraining – usually for 6 months but if necessary the period may be extended to a maximum of 30 months.

Benefits

The disability pension is classified depending on the ability to support oneself.

Completely unable to perform any paid work:
- 24% of base value (base value amounts to 100% of the average salary)
- 1.3% of disability pension base for each contribution year
- 0.7% of disability pension base for each non-contribution year
- 0.7% of disability pension base for each year to go to reach full 25 years of contribution and non-contribution years till the age of 60

Partially unable to perform any paid work: 75% of disability pension for total disability.

Death Benefits

Qualifying Conditions
- Widow's/Widower's Pension: Widow/widower aged 50, or disabled is eligible for a widow's/widower's pension. If they are caring for a child (up to the age of 16, or 18 if in education, or at any age if totally disabled), they are eligible for a family pension. A widow/widower who does not fulfil any of the above conditions and does not have any source of income has the right to a temporary family pension for a period of 12 months, or a period of vocational training necessary to obtain a qualification for a job for a maximum of 2 years.
- Orphan's Pension: Up to the age of 16, or 25 if in education. Eligible at any age if totally disabled.
- Parents' Pension: If an employee or pensioner financially supported them, the parents of the deceased are eligible if they fulfil the conditions specified for the widow/widower.

Benefits

The pension for widows/widowers, orphans and parents is equal to:
- 85% of accrued old age pension for 1 dependant
- 90% of accrued old age pension for 2 dependants
- 95% of accrued old age pension for 3 or more dependants

The funeral grant equals PLN 4,000 and is paid to the person who bears the funeral expenses (if the funeral expenses were covered by employer, social housing assistance, commune, county, church legal entity or religious union, a funeral grant is also due up to PLN 4,000 but only if the expenses were documented). A funeral grant is paid in the event of death of:
- An insured person
- An old age pensioner
- A dependant family member of insured person

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Sickness Benefits

Qualifying Conditions

Benefits are payable when an employee is unable to work due to illness occurring during employment. Inability to work must be confirmed by a medical certificate.

Benefits

A waiting period of one month is required. The benefits are payable up to 182 days (in the event of tuberculosis max. 270 days).

The employer is responsible for the benefit payment of the first 33 days of sickness in a given year, and Social Security takes over from the 34th day. Benefits are usually equal to 80% of the employee's average salary but in some cases may be equal to 70% (hospital stay) or 100% of average salary (inability to work due to an accident at work, occupational disease, pregnancy, examinations of candidates for donors).

When sickness benefits cease, employees may be eligible for a rehabilitation allowance payable for up to one year. Benefit for the first 90 days equals 90% of average salary but if inability to work was the result of an accident, occupational disease or happened during pregnancy it is 100%. In other cases it is 75% of average salary.

Medical/Health Benefits

National Health Fund

The Law on Medical Services financed by public means affirms that insured persons (almost all residents) can choose the doctor, the medical centre or the hospital in which they shall be treated.

To provide medical service, the National Health Fund signs agreements (contracts) with hospitals, medical centres and doctors. The National Health Fund negotiates the prices and the number of medical services offered by the clinics. The law specifies the list of medical services that are paid by the NHF.

Services such as cosmetic and plastic surgery and some dental treatments are not covered. However, the state pays for very expensive medical treatment, e.g. transplants and also some expensive drugs and technical appliances.

Unemployment Benefits

Qualifying Conditions

Unemployment benefit is granted to a person who meets the following criteria:

- Has attained age 18 but not yet attained age 67M/F
- Lost a job
- Was employed for a period of at least 365 days during the 18 months preceding the day of registration with the labour office, and who had received remuneration amounting to at least the minimum wage
- Has no proposal for a new job, or for training or apprenticeship, or for subsidised or public work

Benefits

- Basic benefit: PLN 831.10 in the first three months, and PLN 652.60 thereafter (for persons with an employment period longer than 5 years, but less than 20 years);

- Persons with an employment period longer than 20 years: 120% of basic benefit (PLN 997.40 in the first 3 months and PLN 783.20 thereafter)
- Persons with an employment period shorter than 5 years: 80% of basic benefit (PLN 664.90 in the first 3 months and PLN 522.10 thereafter)

The unemployment benefit is generally paid for a period of 6 to 12 months, depending on the unemployment rate in the region, the age and family situation of the unemployed person. Persons who have attained age 50 and were employed for at least 20 years may receive the benefit for a period of 12 months. Unemployed persons who support at least one child aged between 0-15 years and whose unemployed spouse has lost the right to benefits, also may receive the benefit for a period of 12 months. In regions where the unemployment rate is lower than 150% of the average national unemployment rate, the benefit is paid for a period of 6 months.

Other Benefits

Pre-Retirement Benefits

The right to obtain early retirement benefits is granted to the group of people that fulfil the following conditions:

- Born after December 31, 1948 and before January 1, 1969
- 15 years of employment under special conditions
- Reached age 60M/55F
- Contribution years 25M/20F
- Employed under special conditions before January 1, 1999
- Employed under special conditions after December 31, 2008
- Employment agreements have been terminated

Groups of people with 15 years of employment under special conditions who do not fulfil all the above mentioned conditions are entitled to receive compensation.

In addition, there are family and maternity supplements, maternity and permanent care allowances, and compensation benefits.

Taxation

Contributions under the first and second pillar are tax deductible. Pensions are taxed at the current basis. Payments to other beneficiaries, including close family members, will be subject to personal income tax.

Other Information

Reciprocal Social Security Agreements

Australia, Belgium, Bulgaria, Canada, France, Germany, Greece, Israel, Luxemburg, Macedonia, Netherlands, Spain, United Kingdom

IV PRIVATE BENEFIT PLANS

Background Information

Companies can voluntarily establish a supplementary pension programme for employees. A voluntary occupational plan (third pillar) can be established as an approved plan (according to the Employee Pension Programmes Act of April 20, 2004 - PPE) or as a non-approved plan.

Employee Pension Programmes – PPE

The employee pension programmes (PPE) constitute the agreements signed by employers to establish the method of saving for their employees. The PPEs are organised by the employer. First the employer signs the company agreement with employee representatives (mostly trade unions) and then the agreement with the financial institution is signed. The programme must be registered with the KNF (financial supervisory authority).

The gains from investment of the pension programme assets are free of the investment gains personal income tax. All savings are inheritable or payable to the beneficiaries.

An employer may offer only one of the following financial vehicles:
- An employee pension fund (PFE), managed by the management firm, and the employee pension society (PrTE), which is founded by the employer
- A contract with open-ended and specialized open funds, managed by an investment firm (TFI)
- A group investment life insurance (with insurance capital fund) with a life insurance company
- A foreign management (agreement with the investment firm located in another EU country)

Individual Retirement Accounts – IKE

Functioning of IKE is regulated by the Act of April 20, 2004 on Individual Retirement Accounts. Individual retirement accounts (IKE) are the method of accumulating money to supplement the old age pension. IKE is a type of contract (between the individual person and the financial institution), which benefits from some taxation reduction. The gains from investment of IKE assets are free of the investment gains personal income tax. The total annual contribution cannot exceed 300% of the national projected average monthly salary but there is a real possibility that this limit will be significantly increased. Payments above this amount are to be returned to the saver or transferred to another account without any tax exemption.

Benefits from IKE will be paid after age 60, provided that the conditions established in the law (e.g. saving period) are met. Benefits can be paid both as lump sums and as recurrent payments (monthly, quarterly or yearly). Earlier withdrawal is possible as described by the law and provided that the due tax (capital gains income tax) is paid. IKEs are open for all residents, with the above mentioned contribution ceiling. IKE contract may be concluded with:
- Open-ended or specialised open investment funds
- Life insurance companies, as individual life investment insurance contracts
- Brokers/dealers, as investment and securities accounts
- Banks, as bank saving accounts

All savings are inheritable or payable to the beneficiaries.

Individual Retirement Account Security - IKZE

Functioning of IKZE is regulated by the Act of April 20, 2004 on Individual Retirement Accounts (IKE) and on Individual Retirement Account Security (IKZE). IKZE is one method of accumulating money to supplement the old age pension. IKZE is a type of contract between the financial institution and the individual person, whose contributions are deducted from income. The payments for IKZE are limited by the Act of IKE and IKZE. This limit until 2013 was changed each year in accordance with the change in the amount of reducing the annual contribution basis for retirement and pension insurance. In 2014 payments limit to IKZE was rigidly fixed as the amount equivalent to 1.2 times the average monthly wage defined in the Budget Act. This limit cannot be lower than the previous year's limit.

Benefits from IKZE will be paid after age 65, provided that the conditions established in the law are met. Benefits can be paid both as lump sums and as recurrent payments.

IKZE contract may be concluded with:

- an investment fund,
- an entity conducting brokerage activity (brokerage house or bank),
- a voluntary pension fund (an entity created by a general pension society- PTE),
- a bank,
- an insurance company (only life insurance companies).

All savings are inheritable or payable to the beneficiaries.

Eligibility

Any employee can participate in the PPE (employee pension programme) if the employer maintains the programme.

Contributions

There are two kinds of contributions in PPE: the basic contribution paid by the employer (mandatory) and the additional contribution paid by the employee (not mandatory).

The amount of the basic contribution is set in the company agreement. There are three ways of defining the level of basic contribution:

- As a percentage of the salary
- As a specific amount in PLN equal for all employees
- As a percentage of salary with a maximum amount in PLN

The level of the basic contribution may not exceed 7% of salary.

The employee may define the amount of additional contributions. The minimum level of such additional contribution is set in the company agreement. The total annual amount of the additional contributions may not exceed a yearly set amount.

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Retirement Benefits

Retirement Age

See Details under III Social Security above.

Qualifying Conditions

Disbursement of funds accumulated under the employee pension programme is made only under the following circumstances:

- At the request of a participant after reaching the age of 60
- At the request of a participant after reaching the age of 55, upon obtaining early retirement rights
- After reaching the age of 70, if a participant has not requested disbursement before
- In the case of a participant's death, paid to beneficiaries named in the company agreement

Benefits

Depending on the request of the participant, payment may be made as a lump sum or in instalments.

The programme can be suspended and even liquidated. The employers who maintain the programmes have less organisational duties. The participants can choose from a wider range of investment options.

However, employers may still deduct contributions as business expenses, as well as expenses in connection with the employee pension programmes, which may be deducted from the base that is used to calculate contributions to ZUS (compulsory social insurance).

Death and Disability Benefits

Insurance companies offer group life insurance with investment funds under employee pension programmes. In this type of insurance the insured employee can conclude additional insurance such as:

- Accidental death
- Permanent work disability
- Permanent work disability due to accident

Medical/Health Benefits

Insurance for medical treatment under the employee pension programme is not available.

Insurance companies offer group insurance for hospital treatment. Under this additional insurance, the life insurance company shall pay a benefit for each day of treatment in the hospital to the insured person.

Non-life insurance companies also offer medical insurance for the cost of treatment.

Some employers pay these insurances premiums for their employees, but there is no legal obligation and the premiums are not tax deductible.

Taxation

For the employee pension programmes, only employer's contributions are deductible (employee's contributions are not tax-deductible).

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For the other private non-qualified benefit plans, employer contributions are tax-deductible with the following restrictions regarding group life insurance, group life insurance with an investment fund, accidental death and disability, and critical disease insurance:

- Withdrawal or surrender is not possible during the first 5 years
- The employer may not be a beneficiary
- Endowment lump sums are not payable for the first 5 years

All benefits from employee pension programmes are not subject to income tax.

Double Taxation Agreements

Albania, Algeria, Armenia, Australia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, China, Chile, Croatia, Cyprus, Czech Republic, Denmark, Egypt, Estonia, Finland, France, Georgia, Germany, Greece, Guernsey, Hungary, Iceland, India, Indonesia, Iran, Ireland, the Isle of Man, Israel, Italy, Japan, Jersey, Jordan, Kazakhstan, Korea (Republic), Kuwait, Kyrgyzstan, Latvia, Lebanon, Lithuania, Luxembourg, , Macedonia, Malaysia, Malta, Mexico, Moldova, Mongolia, Montenegro, Morocco, the Netherlands, New Zealand, Nigeria, Norway, Pakistan, the Philippines, Portugal, Qatar, Romania, Russia, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syria, Tajikistan, Thailand, Tunisia, Turkey, Ukraine, the United Arab Emirates, the United Kingdom, the United States of America, Uruguay, Uzbekistan, Vietnam, Zambia and Zimbabwe.