

Administrative Arrangement

between the Ministry of Labour, Employment, Veteran and Social Affairs of the Republic of Serbia and the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan on the implementation of the Agreement between the Government of the Republic of Serbia and the Government of the Republic of Azerbaijan on Social Security

Pursuant to paragraph 1 of Article 11 of the Agreement between the Government of the Republic of Serbia and the Government of the Republic of Azerbaijan on Social Security, signed in Belgrade and Baku on 7th April 2022, the Ministry of Labour, Employment, Veteran and Social Affairs of the Republic of Serbia and the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan, hereinafter referred to as the "Parties",

have agreed on the following:

Part I

General Provisions

Article 1 Definitions

1. For the purposes of this Administrative Arrangement:

- "Agreement" means the Agreement between the Government of the Republic of Serbia and the Government of the Republic of Azerbaijan on Social Security, signed in Belgrade and Baku on 7th April 2022;
- "Administrative Arrangement" means this Administrative Arrangement for the implementation of the Agreement.

2. The other terms which are used in the Administrative Arrangement have the meaning assigned to them in the Agreement.

Article 2

Competent institutions

1. The competent institutions are as follows:

as regards the Republic of Serbia:

- Republic Fund for Pension and Disability Insurance;
- Republic Fund for Health Insurance;
- Fund for Social Insurance for Military Personnel;

as regards the Republic of Azerbaijan:

- State Social Protection Fund under the Ministry of Labour and Social Protection of Population – for social insurance and labour pensions;
- State Medical-Social Examination and Rehabilitation Agency under the Ministry of Labour and Social Protection of Population – for disability assessment.

2. For the purpose of implementation of the Agreement and the Administrative Arrangement, the competent institutions provided in paragraph 1 of this Article shall cooperate and provide mutual legal and administrative assistance.

Article 3

Liaison bodies

The liaison bodies are as follows:

as regards the Republic of Serbia:

- Institute for Social Insurance ;

as regards the Republic of Azerbaijan:

- State Social Protection Fund under the Ministry of Labour and Social Protection of Population.

Article 4
Duties of the competent institutions and liaison bodies

The competent institutions or liaison bodies shall determine the procedures required for the implementation of the Agreement and the Administrative Arrangement, as well as agree on the forms to be drafted in the official state languages and in English.

Part II
Provisions on Applicable Legislation

Article 5
Application of Article 8 of the Agreement

1. For the application of Article 8 of the Agreement, the competent institution of the Contracting Party whose legislation is applied shall confirm, on the established certificate, the application of this legislation during a certain period.

2. The certificate indicated in paragraph 1 of this Article shall be issued by the following competent institutions at the request of the insured person or the employer:

as regards the Republic of Serbia:

- Republic Fund for Health Insurance;
- Fund for Social Insurance for Military Personnel ;

as regards the Republic of Azerbaijan:

- State Social Protection Fund under the Ministry of Labour and Social Protection of Population.

3. The competent institutions shall endeavour to issue the certificate indicated in this Article within 15 (fifteen) working days from the date of request registration.

Part III

Special Provisions on Pensions

Article 6

Submission and processing of applications for pension

1. The competent institution of one Contracting Party which receives a pension claim (for granting, recalculation and payment of pension) under the legislation of the other Contracting Party shall request the applicant to submit the supporting documentation required by the competent institution of the other Contracting Party in order to decide on that application.

2. The competent institution which receives a pension claim shall verify and submit it without delay to the competent institution of the other Contracting Party, entering the date of submission of the claim, and enclosing the appropriate originals or photocopies of the documentation that reflect insurance periods completed in the territory of the other Contracting Party and, possibly, in a third country, which are not confirmed on the established forms. The competent institution sending the claim shall certify the periods of insurance which are taken into account in accordance with the legislation which it applies and provide information on the pensions paid to the applicant.

3. Along with the application for a disability pension, the medical documentation indicated in paragraph 3 of Article 12 of the Agreement shall be submitted.

Article 7

Payment of pensions

1. The competent institution of one Contracting Party shall make pension payments quarterly to the pension recipient with the residence in the territory of the other Contracting Party. The pension recipient shall submit a certified life certificate, using the established form, twice a year, in April and October, to the competent institution making the pension payment.

2. The competent institutions of the Contracting Parties shall be responsible for the full, correct and timely transfer of pension payments under the Agreement in accordance with the legislation that they apply.

3. The competent institutions or liaison bodies of the Contracting Parties will conclude an arrangement on electronic data exchange in relation to pension payments, as well as other data relevant for the exercise of rights.

Article 8

Expenses related to pension payments

1. In accordance with the Agreement, the competent institution of one Contracting Party shall transfer pensions in euros (EUR) or dollars (USD) to the territory of the other Contracting Party and expenses related to the transfer to the servicing bank (sending bank) shall be borne by the competent institution of the Contracting Party granting the pension. Expenses related to the transfer of the pension from the servicing bank (sending bank) to the pension recipient's account shall be paid at the pension recipient's own expense.

2. Pension payments in the territory of the Contracting Party granting the pension shall be made in the national currency of this Contracting Party.

Article 9

Overpayments

1. If the competent institution of the Contracting Party which paid and suspended the pension according to Article 16 of the Agreement, determines that the pension has been overpaid, it may apply to the competent institution of the other Contracting Party for reimbursement. In the application, the competent institution indicates the overpayment amount in the currency paid.

2. If possible, the reimbursement of overpaid pensions is carried out through compensation by the competent institutions. In this case, the competent institution that has overpaid the pension may request the competent institution of the other Contracting Party to deduct the overpaid amount from the pension amount which that institution has to pay, if it does not contradict the legislation of the Contracting Parties.

3. In accordance with paragraph 2 of this Article, if a reimbursement of the full amount already paid is not possible, the remaining part of such funds may be deducted by the competent institution of the other Contracting Party from subsequent payments to the pension recipient's family members (funeral allowance, unpaid pensions, survivor benefits), if it does not contradict the legislation of the Contracting Parties.

4. With respect to bank costs in case of a reimbursement, the procedure envisaged in Article 8 of the Administrative Arrangement shall be applicable.

Article 10

Payment of unpaid pension amounts for a deceased person

1. In case of the pension recipient's death, the competent institution of one of the Contracting Parties shall notify the competent institution of the other Contracting Party, indicating the date of death of the pension recipient.

2. The payment of unpaid pensions due to the death of the pension recipient shall be made based on the written application of the person who is entitled to that payment according to the legislation of the Contracting Party whose competent institution is making the pension payment. If the applicant has a residence in the territory of the other Contracting Party, the competent institution of the Contracting Party which received the application shall endeavour to forward it within 15 (fifteen) working days, with the required documentation, to the competent institution of the other Contracting Party making the pension payment.

3. The payment of unpaid pensions to the person referred to in paragraph 2 of this Article shall be made in the manner provided for in Article 7 of the Administrative Arrangement.

Part IV

Other Provisions

Article 11

Exchange of statistical information

In accordance with paragraph 1 of Article 12 of the Agreement, by the end of March of each year, the liaison bodies shall exchange information on pensions paid to pension recipients who have a residence in the territory of the other Contracting Party, during the previous year. The data are exchanged on the types of pensions, the number of pension recipients and the amounts paid.

Article 12

Administrative cooperation

1. All necessary information shall be exchanged between the competent institutions of the Contracting Parties by post or electronically.

2. The competent institutions of the Contracting Parties shall, if necessary, assist each other in translating applications and other documents written in the official state languages, into English.

Article 13
Entry into force and duration

1. This Administrative Arrangement shall apply from the same date as the Agreement and shall be valid for the period of validity of the Agreement.

2. The Parties may, by mutual written agreement, amend the text of the Administrative Arrangement.

Signed in Belgrade on 23 November 2022, in two original copies, each in Serbian, Azerbaijani and English, all texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

**for the Ministry of Labour,
Employment, Veteran and Social
Affairs of the Republic of Serbia**

**for the Ministry of Labour and
Social Protection of Population
of the Republic of Azerbaijan**