

AGREEMENT ON SOCIAL SECURITY
BETWEEN
THE REPUBLIC OF SERBIA AND THE REPUBLIC OF CYPRUS

"Official Gazette of the Republic of Serbia" - International Agreements, No.12/10

The Republic of Serbia and The Republic of Cyprus,
Hereinafter referred to as the Contracting States,
Resolved 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, the following means:
1. „territory“,
in relation to the Republic of Serbia, the Serbian state territory,
in relation to the Republic of Cyprus, the Island of Cyprus;
 2. „legislation“,
the legislation relating to the branches of social security specified in Article 2 Paragraph 1 of this Agreement;
 3. „national“,
in relation to the Republic of Serbia, a person of the Serbian nationality,
in relation to the Republic of Cyprus, a person of the Cypriot nationality;
 4. „competent authority“,
in relation to the Republic of Serbia, the Ministries competent for legislation in the Republic of Serbia, mentioned in Article 2 Paragraph 1 of this Agreement,
in relation to the Republic of Cyprus, the Minister of Labour and Social Insurance;
 5. „competent institution“,
the insurance institution in which the person has been insured at the time of submitting the application for benefits, or from which that person is, or would be entitled to the benefits according to the provisions of the legislation;
 6. „insurance period“,
a contribution period or an equivalent period which is defined as such under the legislation of a Contracting State;
 7. „benefit“,
any cash benefit under the legislation, including any supplements or increases applicable to such of benefit by virtue of the legislation;
 8. „beneficiary“,
a person who is entitled to a benefit;
 9. „member of the family“,
a person defined or recognised as such by the applicable legislation;

10. „residence“, or any form thereof, means permanent residence;
11. „stay“, or any form thereof, means temporary residence;
12. „insured person“,
a person insured or a person that had been insured, according to the legislation.

(2) Other words and expressions used in this Agreement shall have the meaning assigned to them under the legislation.

Article 2 Material scope

- (1) This Agreement shall apply:
 1. in relation to the Republic of Serbia, to the legislation regarding:
 - (i) old age, invalidity and survivors benefits;
 - (ii) sickness benefit;
 - (iii) maternity benefit;
 - (iv) benefit in case of work accident and occupational disease;
 - (v) unemployment benefit.

2. in relation to the Republic of Cyprus, to the legislation concerning the Social Insurance Laws of 1980 to 2009 regarding:

- (i) maternity benefit, including maternity grant;
- (ii) sickness benefit;
- (iii) unemployment benefit;
- (iv) benefits for employment injuries and occupational diseases;
- (v) old-age pension;
- (vi) invalidity pension;
- (vii) widow's pension;
- (viii) orphan's benefit;
- (ix) funeral grant.

(2) This Agreement shall also apply to any legislation which supersedes, replaces, amends, supplements or consolidates the legislation specified in paragraph 1 of this Article.

Article 3 Personal scope

Unless otherwise provided, this Agreement shall apply to:

1. Persons who are or have been subject to the legislation of one or both Contracting States;
2. Persons who derive rights from the persons mentioned in sub-paragraph 1.

Article 4 Equal treatment

Persons residing in the territory of one of the Contracting States shall be subject to the same obligations and enjoy the same rights under the legislation as the nationals of that Contracting State.

Article 5 Export of benefits

(1) Unless otherwise provided in this Agreement, any provision of the legislation of either Contracting State which restricts payment of a benefit solely because a beneficiary or a member of his family resides outside the territory of that Contracting State shall not be applicable to a beneficiary or a member of his family who resides in the territory of the other Contracting State.

(2) Paragraph 1 of this Article does not apply to the legislation concerning unemployment benefit.

(3) Paragraph 1 of this Article does not apply, in the case of Serbia, to the lowest pension amount.

(4) Sickness and maternity benefits are payable only in the Contracting State which had approved the benefit.

(5) Unless otherwise provided in this Agreement, benefits payable under the legislation of one Contracting State shall be payable to nationals of the other Contracting State, residing in the territory of a third State, on the same conditions and to the same extent as to nationals of the first Contracting State who reside in the territory of a third State.

PART II APPLICABLE LEGISLATION

Article 6 General rules

The obligation of insurance is determined in accordance with the legislation of the Contracting State in whose territory person is employed or self-employed even if the place of the business of the employer is in the territory of the other Contracting State, unless otherwise provided in the Articles 7 to 12 of this Agreement.

Article 7 Posted workers

A person who is employed in the territory of either Contracting State and who is posted by his employer to the territory of the other Contracting State to perform certain work for that employer there whilst staying in paid employment with the same employer shall continue to be subject to the legislation of the first Contracting State for the duration of that work as if he were still employed in the territory of that Contracting State, provided that the duration of the work does not exceed a period of 24 months. Successive postings of the same

employee by the same employer shall be counted as one, unless they are separated by a period of at least three months.

Article 8 Civil servants

A person employed by the public and/or civil services and/or by bodies governed by public law of one Contracting State sent by these employers to work in the territory of the other Contracting State, shall continue to be subject to the legislation of the first Contracting State as if that person was employed in that Contracting State.

Article 9 Personnel of diplomatic and consular missions

(1) Nationals of one Contracting State who are sent by the Government of this Contracting State to the territory of the other Contracting State as members of a diplomatic mission or consular post, shall be subject to the legislation of the former Contracting State.

(2) If, under paragraph 1. of this Article a person continues to be subject to the legislation of one Contracting State from whose territory he has been sent to the territory of the other Contracting State, that paragraph shall also apply by analogy to the person's family members who accompany him, unless they are themselves employed or self-employed in the territory of the latter Contracting State.

(3) Persons who are employed by a diplomatic mission or consular post of one of the Contracting State in the territory of the other Contracting State, shall be subject to the legislation of the latter Contracting State.

(4) As an exception on the provision laid down in paragraph 3 of this Article employees who are citizens of the Contracting State to which mission and post belongs to may, in a period of three months from the date of employment, opt to be susceptible to the legislation of that contracting state.

(5) If the diplomatic mission or consular post of one of the Contracting State employs persons who according to paragraph 3 of this Article are subject to the legislation of the other Contracting State, the mission or post shall observe the obligations which the legislation of this Contracting State imposes on employers.

(6) The provisions of paragraphs 3 and 5 of this Article shall apply correspondingly to persons employed as a domestic servant or as a member of the domestic staff of a person mentioned in paragraph 1 of this Article. In that case the natural person who employs other persons shall observe the obligations which the legislation of the Contracting State where the employment is performed imposes on employers.

(7) The provisions of paragraphs 1 to 6 of this Article do not apply to honorary consular officers or to persons employed in the domestic service of such persons.

Article 10
Personnel of international transport undertakings

A person who is a member of the travelling or flying personnel of an undertaking which, for hire or reward or on its own account, operates international transport services for passengers or goods by road, air or railway and has his place of business located in the territory of either Contracting State, shall be subject to the legislation of that Contracting State.

Article 11
Crew members on vessels

A person who is employed on board a vessel flying the flag of either Contracting State and who is resident in the territory of either Contracting State shall be subject to the legislation of the Contracting State on the territory of which the place of business of the employer is located.

Article 12
Exceptions

Upon the request of employer and employee the competent authorities of the Contracting States can agree on the exceptions from the Articles 6 to 11. of this Agreement taking into consideration the kind and circumstances of employment.

PART III
PROVISIONS CONCERNING BENEFITS

Article 13
General rule of aggregation of periods of insurance

(1) For the purpose of aggregating the Insurance Periods, the Contracting State whose legislation makes the acquisition retention or renewal of the right to benefits, the competent institution of that contracting state, shall to the extent necessary take into account periods of insurance completed under the legislation of the other contracting state as though they were periods completed under the legislation which it applies, provided that these periods do not overlap.

(2) If a person is not entitled to a benefit on the basis of the insurance period completed under the legislation of the contracting states, aggregated as provided in Paragraph 1 of this Article, eligibility for that benefit shall be determined by aggregating these periods and the insurance completed periods under the laws of a third state with which both Contracting States are bound by a bilateral social security agreement which provides for aggregation of insurance periods.

Article 14
Calculation of insurance periods

(1) For the purpose of calculating an insurance period for entitlement to any benefit provided under the legislation of the Republic of Cyprus, a person shall be treated for each day of insurance completed under the legislation of the Republic of Serbia, as having

insurable earnings under the legislation of the Republic of Cyprus equal to one seventh of the weekly amount of the basic insurable earnings and to that effect one year of insurance under the legislation of the Republic of Serbia shall be equivalent to 364 days.

(2) For the purpose of calculating an insurance period for entitlement to any benefit provided under the legislation specified in paragraph 1 of Article 2 of this Agreement:

1. each week of insurance completed before 6 October 1980 under the legislation of the Republic of Cyprus shall be treated as a period of insurance of 7 days under the legislation of the Republic of Serbia.

2. the insurable earnings for any insurance period completed under the legislation of the Republic of Cyprus after 5 October 1980, shall be divided by the weekly amount of the basic insurable earnings applicable in the relevant contribution year. The figure so calculated, subject to a maximum of the number of weeks during which the person was subject to that legislation in that year, shall be treated as representing the number of weeks in the insurance period. Each such week shall be treated as equivalent to seven days insurance under the legislation of the Republic of Serbia.

3. each 364 days of insurance under the legislation of the Republic of Cyprus, shall be treated as equivalent to one year of insurance under the legislation of the Republic of Serbia.

(3) Where it is not possible to determine accurately the periods of time in which certain insurance period were completed under the legislation of the Republic of Serbia, such periods shall be presumed not to overlap with insurance periods completed under the legislation of the Republic of Cyprus.

SECTION 1

Old age, invalidity and death

Article 15

Period of insurance shorter than 12 months

(1) If the total insurance period which is completed under the legislation of one Contracting State is less than 12 months, that period of insurance shall not be taken into consideration for the payment of the benefit unless the legislation of that Contracting State provides for the payment of such benefit solely on that period of insurance.

(2) Periods of insurance referred to in Paragraph 1 of this Article which are not taken into consideration for the payment of benefits by the institution of one Contracting State shall be taken into account by the institution of the other Contracting State for the obtaining and renewal of the right to benefit, as well as for the determination of the actual amount, as if that period of insurance had been completed in accordance with its legislation.

Article 16

The determination of benefit

If, according to legislation of one contracting state, there is a right to benefit even without the application of Article 13 of this Agreement, the competent institution of that contracting state computes the benefit taking into account exclusively the periods of insurance according to its legislation.

Article 17
Determination of pro - rata benefit

(1) The amount of benefit payable under the provision of Article 13 of this Agreement shall be determined by the competent institutions of the Contracting States as follows:

1. Calculate the theoretical amount of benefit that would be payable if the insurance periods completed under the legislation of both Contracting States totalized as provided under Article 13 of this Agreement had been completed under the legislation that the competent institution of the Contracting States applies.

2. It shall then prorate the theoretical benefit so calculated by the fraction which represents the ratio of the insurance periods completed under legislation it applies in relation to the total of those insurance periods which are taken into account as it is provided by subparagraph 1 of this Article.

(2) The provisions of paragraph 1 of this Article shall not apply to supplementary benefit payable under the legislation of the Republic of Cyprus. This benefit shall be calculated exclusively under the provision of the legislation of the Republic of Cyprus on the basis of periods of insurance completed under that legislation.

Article 18
Reduction, cancellation and termination of the payment of benefit

Notwithstanding the legislation of the contracting states on reduction, cancellation and termination of the payment of pensions due to the entitlement on two or more pensions, payment of pension according to the legislation of one contracting state has no influence on pensioners entitlement to receive, at the same time, pension from the other contracting state.

SECTION 2
Work injuries and occupational diseases

Article 19
Work Injuries

(1) Where a person is employed in the territory of one Contracting State and the legislation of the other Contracting State applies to him in accordance with any of the provisions of Articles 7 to 12 of this Agreement he shall be treated under that legislation for the purpose of any claim for benefit in respect of a work injury or an occupational disease contracted during that employment, as if the injury had occurred or the disease had been contracted in the territory of the last Contracting State .

(2) Where a person to whom the legislation of one Contracting State applies, sustains a work injury after he has left the territory of that Contracting State to go in the course of his employment to the territory of the other Contracting State but before he arrives in the latter territory, then, for the purpose of any claim for benefit in respect of that work injury:

1. the injury shall be treated as if it occurred in the territory of the first Contracting State; and

2. the absence from the territory of the First Contracting State shall be disregarded in determining whether his employment was as an employed person under that legislation.

(3) Where a person contracts an occupational disease after having been employed in the territories of both Contracting States in occupations to which, under the legislation of the First Contracting State, the disease may be attributed, and when he was last employed in such occupation before the disease was diagnosed in the territory of the First Contracting State, in his case only the legislation of the First Contracting State shall be applied.

Article 20 Occupational diseases

(1) If the providing of benefit in the case of occupational diseases, according to the legislation of one contracting state, is conditioned by the fact that such disease was for the first time medically diagnosed on the territory of that contracting state, such condition is held fulfilled if that disease was first diagnosed in the territory of the other contracting state.

(2) Where a person contracts an occupational disease after having been employed in the territories of both Contracting States in occupations to which under the legislation of both States, the disease may be attributed, there shall be applied in his case only the legislation of that Contracting State in whose territory he was last employed in such occupations before the disease was diagnosed and for this purpose, account shall also be taken if necessary of any employment in such occupations in the territory of the other Contracting State.

Article 21 Cash benefit

If a person concerned, while in receipt of benefits, has pursued such an activity under the legislation of the one Contracting State which resulted in aggravation of the person's medical condition, the competent institution of that Contracting State shall bear the cost of the benefits under the legislation it applies without taking the aggravation into account. The competent institution of the other Contracting State shall grant a supplement to the person concerned, the amount of which shall be equal to the difference between the amount of benefits due after the aggravation and the amount which would have been due prior to the aggravation under the legislation it applies, if the disease in question had occurred under the legislation of that Contracting State.

SECTION 3 Sickness and Maternity

Article 22 Sickness and Maternity benefits

(1) Where a person would be entitled to receive sickness benefit under the legislation of both Contracting States for the same period of incapacity, whether by virtue of the provisions of this Agreement or otherwise, he shall be entitled to receive sickness benefit by virtue of the legislation under which he was last insured.

(2) Where a woman would be entitled to receive maternity benefit under the legislation of both Contracting States for the same confinement and for the same period whether by virtue of the provisions of this Agreement or otherwise, she shall be entitled to receive the benefit by virtue of the legislation under which she was last insured.

SECTION 4 Unemployment

Article 23 Unemployment benefit

(1) The period of insurance, completed according to the legislation of one contracting state, is taken into account for entitlement to cash benefit, in case of unemployment, according to the legislation of other contracting state, if the unemployed person in the contracting state where it receives the cash benefit has been insured, in case of unemployment, for the number of months before the termination of his last employment at least for a period prescribed by its legislation.

(2) Where a person claims unemployment benefit under the legislation of the Republic of Cyprus by virtue of paragraph 1 of this Article, any period for which he received such benefit under the legislation of the Republic of Serbia shall be taken into account as if it were a period during which he had received unemployment benefit under the legislation of the Republic of Cyprus, provided that that period falls within the last 12 months before the first day for which unemployment benefit becomes payable under the legislation of the Republic of Cyprus.

SECTION 5 Funeral grant

Article 24 Funeral grant

If the right to obtain funeral grant exists according to legislation of both contracting states, only legislation of the contracting state where the deceased person had residence applies.

PART IV MISCELLANEOUS PROVISIONS

Article 25 Arrangements for administration and co-operation

(1) The competent authorities of the Contracting State shall, by means of an administrative arrangement, establish the administrative measures necessary for the application of this Agreement.

(2) The competent authorities of the Contracting States shall inform each other of:
1.all measures taken for the application of this Agreement and
2.all changes in legislation which affect the application of this Agreement.

(3) The competent authorities of the Contracting States shall define in the administrative arrangement liaison offices in order to facilitate the application of this Agreement.

(4) The competent authorities, liaison offices and competent institutions of the Contracting States shall assist one another on any matter relating to the application of this Agreement as if the matter affected the application of their own legislation. Such assistance shall be free of charge.

Article 26 Medical Examinations

(1) Medical examination performed exclusively for the application of the legislation of one Contracting State and referring to persons having a residence or temporary stay in the territory of the other Contracting State, shall be performed at the request and at the expense of the competent institution, by the institution of its residence or temporary stay. The institution of residence or temporary stay and at its expense performs medical examinations performed for the enforcement of legislation of both Contracting States.

(2) In order to determine incapacity to work of an applicant, a beneficiary or a member of his family, the competent institution of one Contracting State shall use the medical reports and the administrative data provided by the competent institution of the other Contracting State. However, the competent institution of the first Contracting State may request the applicant, beneficiary or the member of his family to undergo a medical examination by a doctor of its own choice or in its territory.

(3) If the competent institution or liaison office of the one Contracting State requires that a claimant or a beneficiary who resides in the territory of the other Contracting State undergo an additional medical examination, the liaison office or the competent institution of the other Contracting State, at the request of the liaison office or the competent institution of the first Contracting State, will make arrangements for carrying out this examination according to the legislation applied by the liaison office or the competent institution of the Contracting State making the said arrangements and at the expense of the liaison office or the competent institution of the Contracting State which requests the medical examination.

Article 27 Language

(1) The authorities and institutions of the Parties may not reject claims or other documents submitted to them by reason only of the fact that they are written in the official language of the other Party.

(2) The authorities and institutions of the Parties may in applying this Agreement communicate directly with one another and the persons concerned and their representatives.

Article 28
Data protection

(1) Where, under this Agreement, the competent authorities or competent institutions of one Contracting State communicate personal data to the competent authorities or competent institutions of the other Contracting State, that communication shall be subject to the legal provisions governing protection of data laid down by the Contracting State providing the data. Any subsequent transmission as well as storage, alteration and destruction of the data shall be subject to the provisions of the legislation on data protection of the receiving Contracting State.

(2) The use of personal data for purposes other than those of social security shall be subject to the approval of the person concerned or in accordance with other guarantees provided for by national legislation.

Article 29
Exemption from charges and authentication

(1) Any exemption or reduction provided for in the legislation of one Contracting State for taxes, stamp duties, legal dues or registration fees for certificates or documents which have to be submitted for application of this legislation shall be extended also to the respective certificates or documents which must be submitted for the application of this Agreement or the legislation of the other Contracting State.

(2) Documents and certificates of any kind which must be submitted for the application of this Agreement shall not require authentication by diplomatic or consular authorities.

Article 30
Submission of a claim or appeal

(1) Any claim, notice or appeal which, for the application of this Agreement or of the legislation of one Contracting State, has been submitted to an authority, institution or other competent body of one Contracting State shall be considered as a claim, notice or appeal submitted to an authority, institution or other competent body of the other Contracting State. The date on which such a claim, notice or appeal was submitted to an authority, institution or other competent body of one Contracting State, shall be considered as the date of its submission to an authority, institution or other competent body of the other Contracting State.

(2) Any claim for a benefit submitted under the legislation of one Contracting State shall be considered to be a claim for the corresponding benefit under the legislation of the other Contracting State insofar as that corresponding benefit is payable in accordance with the provisions of this Agreement and provided that the claimant at the time of the claim provides information indicating that insurance periods have been completed under the legislation of the other Contracting State.

(3) Any claim, notice or appeal which, under the legislation of one Contracting State, must be submitted within a specified time to an authority, institution or other competent body of that Contracting State may be submitted within same time to the corresponding body of the other Contracting State.

(4) In the cases to which paragraphs 1 to 3 of this Article apply, the body to which submission has been made shall forward the claim, notice or appeal without delay to the corresponding competent body of the other Contracting State.

Article 31 Currency of payment

(1) The calculation of benefits which are provided under this agreement shall be made in the currency of the Contracting State where the benefit was established.

(2) The beneficiaries who reside in the territory of the Contracting State which approves their claim shall receive their benefit in the national currency of that State.

(3) The beneficiaries who reside in the territory of the other Contracting State shall receive their benefit in Euro.

(4) Calculation of cash benefits in Euro shall be done according to the exchange rate at the date on which the competent institution for benefit payment remitted cash amount to the financial institution in that state for the purpose of payment to beneficiaries in the other Contracting State.

(5) Any remittance to be made in accordance with this Agreement shall be made in accordance with the arrangements which are in force in this field in both Contracting States at the time when such remittance is made.

(6) Reimbursements provided under this Agreement shall be made in Euro.

Article 32 Settlement of disputes

(1) The competent authorities of both Contracting States shall make all reasonable efforts to resolve through mutual agreement any dispute arising from the interpretation or application of this Agreement.

(2) If the dispute cannot be resolved according to paragraph 1. of this Article within six months from the beginning of such negotiations, it shall be submitted, at the request of one or both of the Contracting State, to an arbitration commission, whose composition and rules of procedure shall be determined by agreement between the Contracting State.

(3) The arbitration commission shall decide the dispute according to the spirit and fundamental principles of this Agreement, its decisions shall be binding and final.

Article 33 Requesting the overpaid cash benefits

(1) Institution of one Contracting State which has paid the amount of benefit higher than the amount beneficiary should receive, may request from the institution of the other Contracting State that overpaid amount be balanced against the amounts due to be paid to beneficiary.

(2) Overpaid amount shall be directly remitted to the institution which has submitted the requested from paragraph 1. of this Article.

PART V
TRANSITIONAL AND FINAL PROVISIONS

Article 34
Transitional provisions

(1) This Agreement shall not establish any entitlement to payment of a benefit for a period before its entry into force.

(2) In determining entitlement to a benefit under this Agreement, insurance periods completed under the legislation of both Contracting States before the entry into force of this Agreement shall be taken into consideration.

(3) Notwithstanding paragraph 1 of this Article shall also apply to contingencies which occurred before its entry into force, insofar as previously determined entitlements have not been settled by lump-sum payments. In such cases a benefit due only by virtue of this Agreement shall be determined in accordance with the provisions of this Agreement at the request of the beneficiary.

Article 35
Entry into force

(1) The Contracting States shall notify each other in writing of the completion of their respective legal constitutional procedures required for the entry into force of this Agreement.

(2) This Agreement shall enter into force on the first day of the second month after the date of the last notification.

Article 36
Duration and Termination of the Agreement

(1) The Agreement shall remain in force for an indefinite period.

(2) This Agreement may be terminated at any time by notice in writing to the other Contracting State. In the event of termination, this Agreement shall remain in force until the end of the calendar year following the year in which the notice of termination has been received by the other Contracting State.

(3) In the event of termination of this Agreement, all rights acquired under its provisions shall be maintained. All rights in the course of acquisition by virtue of this Agreement shall be determined by negotiations.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto, have signed this Agreement.

Done at Nicosia on 20th May, 2010, in two originals in the Serbian, Greek and English languages, each text being equally authentic. In case of any difference in interpretation the text in English language shall prevail.

For the Republic of Serbia

Slobodan Milosavljević, m.p.

For the Republic of Cyprus

Marcos Kyprianou, m.p.