

**AGREEMENT ON SOCIAL SECURITY
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF SERBIA
AND
THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA**

The Government of the Republic of Serbia and the Government of the People's Republic of China (hereinafter referred to as "Contracting Parties"),

Aiming to develop the friendly relations between the Republic of Serbia and the People's Republic of China, and

Being desirous of furthering their mutual cooperation in the field of social security,

Have agreed as follows:

**PART I
GENERAL PROVISIONS**

**Article 1
Definitions**

1. For the purpose of this Agreement the following terms shall mean:

(a) "Territory":

as regards the Republic of Serbia, the territory of the Republic of Serbia,

as regards the People's Republic of China, the territory to which *The Social Insurance Law of the People's Republic of China* and relevant laws and regulations apply;

(b) "Legislation":

as regards the Republic of Serbia, laws, by-laws, and other general acts related to social insurance pursuant to item (a) of paragraph 1 of Article 2 thereof,

as regards the People's Republic of China, the laws, the administrative, ministerial and local rules and regulations, and other legal provisions concerning the social insurance systems covered by the scope of this Agreement (item (b) of paragraph 1 of Article 2);

(c) "Competent Authority":
as regards the Republic of Serbia, the Ministry of Labour, Employment,
Veterans and Social Affairs,

as regards the People's Republic of China, the Ministry of Human Resources
and Social Security;

(d) "Competent Institution":
as regards the Republic of Serbia, an insurance institution providing the
insurance coverage for a person pursuant to its legislation,

as regards the People's Republic of China, the Social Insurance Administration
of the Ministry of Human Resources and Social Security or other bodies
designated by the said Ministry.

2. Any term not defined in this Article shall have the meaning assigned to it in
the applicable legislation of the respective Contracting Party.

Article 2

Scope of Legislation

1. This Agreement shall apply to the legislations related to the following social
insurance schemes:

(a) as regards the Republic of Serbia:
(i) Compulsory Pension and Disability Insurance,
(ii) Unemployment Insurance;

(b) as regards the People's Republic of China:
(i) Basic Old-Age Insurance for Employees,
(ii) Unemployment Insurance.

2. This Agreement also applies to laws and regulations that amend,
supplement, consolidate, or supersede the legislation specified in paragraph 1
of this Article. However, this Agreement does not apply to any amendment to
establish a new social security scheme, unless the Competent Authorities of
the Contracting Parties jointly decide to apply the amendment.

3. Unless otherwise provided in this Agreement, the legislation referred to in
paragraph 1 of this Article shall not include treaties or other international
agreements on social security that may be concluded between one Contracting
Party and a third State, or legislation promulgated for their specific
implementation.

Article 3
Personal Scope

This Agreement applies to any person who is or who has been subject to the legislation of one or both Contracting Parties, and to any person who derives rights from that person under the applicable legislation of either Contracting Party.

Article 4
Equal Treatment

Unless otherwise provided in this Agreement, persons specified in Article 3 thereof shall receive equal treatment with nationals of that Contracting Party in application of the legislation of that Contracting Party.

Article 5
Export of Benefits

1. Unless otherwise specified in this Agreement, cash benefits payable under the legislation of a Contracting Party shall not be subject to any reduction, amendment, suspension, withdrawal or confiscation solely on the grounds that the beneficiary stays or resides in the territory of the other Contracting Party or in a third State. These cash benefits shall be paid in accordance with the domestic legislation of the Contracting Party in which the beneficiary acquires benefits.

2. Paragraph 1 of this Article shall not apply to the Republic of Serbia regarding the difference between the acquired amount of pension and the lowest amount of pension, if the level of the acquired amount of pension is below the lowest amount of pension.

PART II
APPLICABLE LEGISLATION

Article 6
Compulsory Coverage

Unless otherwise provided in this Agreement, an employed or self-employed person who works in the territory of one Contracting Party shall, with respect to that work, be subject only to the legislation of that Contracting Party.

Article 7
Posted Persons

1. Where a person who is employed in the territory of one Contracting Party by an employer with a place of business in that territory is sent by that employer to the territory of the other Contracting Party in the context of that employment to perform services there for that employer, only the legislation of the first Contracting Party shall continue to apply with regard to that employment during the first sixty calendar months as though the employee were still employed in the territory of the first Contracting Party.

2. In case the posting continues beyond the period specified in paragraph 1 of this Article, the Competent Authorities of the Contracting Parties may jointly agree on a further extension of 24 months, taking into account the circumstances and the type of employment concerned.

Article 8
Employees on Board Aircraft

A person who is employed as an officer or member of the crew of an aircraft shall, in respect of that employment, be subject to the legislation of the Contracting Party in the territory of which the enterprise by which such a person is employed has its head office. If, however, the enterprise has a representation in the territory of the other Contracting Party, such a person employed by that representation shall be subject to the legislation of the Contracting Party in the territory of which the representation is located.

Article 9
Members of Diplomatic Missions and Consular Posts

Nothing in this Agreement shall affect the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961, or of the Vienna Convention on Consular Relations of April 24, 1963.

Article 10
Civil Servants and Persons Treated as Such

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

Article 11 Exceptions

The Competent Authorities of both Contracting Parties may agree to grant an exception of Article 6, 7, 8, and 10 of this Agreement, with respect to particular persons or groups of persons, provided that any affected person shall be subject to the legislation of one Contracting Party.

PART III MISCELLANEOUS PROVISIONS

Article 12 Implementing Arrangements

1. The Competent Authorities of the Contracting Parties shall conclude an Administrative Arrangement that sets out the measures necessary for the implementation of this Agreement.

2. The Competent Authorities of the Contracting Parties shall inform each other of any changes to their legislation which may affect the implementation of this Agreement.

3. The Competent Authorities of the Contracting Parties shall designate Liaison Institutions for application of this Agreement as follows:

as regards the Republic of Serbia, Institute of Social Insurance,

as regards the People's Republic of China, the Social Insurance Administration of the Ministry of Human Resources and Social Security.

Article 13 Exchange of Information and Mutual Assistance

Responding to the written request, the Competent Authorities or the Competent Institutions of the Contracting Parties shall provide each other, free of charge and to the extent permitted by their respective legislation, with any information and mutual assistance for the implementation of this Agreement.

Article 14

Issue of Certificate

1. In the circumstances referred to in Articles 7, 8, 10 and 11 thereof, the Competent Institution of the Contracting Party whose legislation is applied shall, upon request, issue a certificate on application of such legislation in respect to the relevant employment. In the circumstances described in Article 7 and 11, the certificate must include information on the period for which it is valid.
2. Where the legislation of the Republic of Serbia is to be applied, the certificate shall be issued by the Competent Institution.
3. Where the legislation of the People's Republic of China is to be applied, the certificate shall be issued by the Social Insurance Administration of the Ministry of Human Resources and Social Security or by other bodies designated by the said Ministry.

Article 15

Confidentiality of Information

1. The Competent Authority or Competent Institution of one Contracting Party shall, in accordance with its laws and regulations, send to the Competent Authority or Competent Institution of the other Contracting Party data about an individual collected under its legislation insofar as the data is necessary for the implementation of this Agreement.
2. The data about an individual which is transmitted in accordance with the provision of Paragraph 1 of this Article to the Competent Authority or Competent Institution of the other Contracting Party by the Competent Authority or Competent Institution of one Contracting Party shall be used confidentially and exclusively for the purpose of implementing this Agreement.

Article 16

Language of Communication and Authentication

1. In implementing this Agreement, the Competent Authorities and Competent Institutions of the Contracting Parties may communicate with each other in their official languages or English.
2. Documents, in particular applications and certificates shall not be rejected solely because they are written in an official language of the other Contracting Party.

3. Documents, especially certificates, to be submitted in application of this Agreement shall be exempted from the requirements for any authentication or any other similar formality.

Article 17 Settlement of Disputes

Disputes between the Contracting Parties regarding interpretation or application of this Agreement shall be settled through consultation and negotiation between the Competent Authorities of the Contracting Parties.

PART IV FINAL PROVISIONS

Article 18 Transitional Provision

In applying Article 7 of this Agreement, in the case of a person who has been working in the territory of a Contracting Party prior to the entry into force of this Agreement, the period of posting shall be considered to begin from the date of entry into force of this Agreement.

Article 19 Entry into Force

This Agreement shall enter into force on the first day of the fourth month after the expiry of the month in which both Contracting Parties have notified each other in writing that they have completed the internal legal procedures necessary for the entry into force of this Agreement.

Article 20 Period of Duration and Termination

This Agreement shall be concluded for an indefinite period of time and remain in force and effect until the last day of the twelfth month after the month in which either Contracting Party notifies the other Contracting Party, in written form, through diplomatic channels, on its termination.

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

Done in duplicate at Belgrade on June 8 2018, in Serbian, Chinese and English languages, each text being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

**FOR THE GOVERNMENT OF
THE REPUBLIC OF SERBIA**

**FOR THE GOVERNMENT OF
THE PEOPLE'S REPUBLIC OF
CHINA**