

**ADMINISTRATIVE ARRANGEMENT
FOR THE APPLICATION OF THE AGREEMENT
BETWEEN THE REPUBLIC OF SERBIA AND ROMANIA
ON SOCIAL SECURITY**

Pursuant to Article 31, paragraph (1) of the Agreement between the Republic of Serbia and Romania on Social Security, signed in Belgrade, on October 28, 2016, hereinafter referred to as “the Agreement”, the competent authorities have agreed on this Administrative Arrangement as follows:

Part I
General provisions

Article 1
Definitions

In this Administrative Arrangement, the terms shall have the meaning as determined in Article 1 of the Agreement.

Article 2
Liaison bodies

(1) The liaison bodies as referred to in Article 31, paragraph (2) of the Agreement are as follows:

in the Republic of Serbia: The Social Insurance Institution

in Romania:

- The National House of Public Pensions for pensions granted in the public pension system, death grant, indemnity for temporary incapacity of work in case of work accidents and occupational diseases, as well as benefits in kind and in cash in case of work accidents and occupational diseases.
- The National Health Insurance House for maternity indemnity, indemnity for the care of the sick child, indemnity for the prevention of illnesses and recovery of the work capacity, benefits in kind in case of illness and maternity and indemnity for temporary incapacity of work.
- The National Agency for Payments and Social Inspection for state child allowance.

(2) For the application of the Agreement and Administrative Arrangement the liaison bodies shall cooperate, provide mutual assistance and may communicate directly with the competent authorities, the competent institutions, the persons concerned or the persons authorized by them.

(3) The liaison bodies and the competent institutions of the Contracting States shall agree the relevant bilingual forms necessary for the application of the Agreement and the Administrative Arrangement.

(4) The liaison bodies and the competent institutions may exchange information by electronic means.

Article 3
Competent institutions

The competent institutions are designated as follows:

In the Republic of Serbia:

- Republic Pension and Disability Insurance Fund for benefits from the pensions and invalidity insurances.
- Republic Health Insurance Fund, for benefits from medical insurance and benefits in case of work accidents and occupational diseases.
- Ministry of Labour, Employment, Veterans and Social Affairs for child allowance and benefits in case of maternity.

in Romania:

- The territorial houses of pensions and the sectorial houses of pensions for: pensions for age limit, early retirement and partial early retirement, invalidity pensions; survivor's pensions, death grants, indemnity for temporary incapacity of work in case of work accidents and occupational diseases, as well as benefits in kind and in cash in case of work accidents and occupational diseases.
- The houses of health insurance for: maternity indemnity, indemnity for the care of the sick child, indemnity for the prevention of illnesses and recovery of the work capacity, benefits in kind in case of illness and maternity, as well as indemnity for temporary incapacity of work.
- The counties agencies for payments and social inspection for state child allowance.

Part II

Provisions of applicable legislation

Article 4

Application of Articles 8 – 11 of the Agreement

(1) In case of Articles 9-11 of the Agreement, the competent institution of the Contracting State whose legislation is applicable shall certify, in the agreed bilingual form, the application of the respective legislation within the specified period.

(2) The form referred to in paragraph (1) of this Article shall be issued upon the request of the employee, employer or of self-employed person, for the purpose of:

- the application of legislation of the Republic of Serbia – by the organisational unit of the competent institution for health insurance
- the application of the legislation of Romania – by the National House of Public Pensions

(3) The form referred to in paragraph (1) of this Article may be also issued subsequently.

(4) The institution issuing the form referred to in paragraph (1) of this Article shall submit a valid copy of the form to the employer of the person employed or to the self-employed. The competent institution issuing the form referred to in paragraph (1) of this Article shall transmit a copy thereof to the institution of the other Contracting State.

(5) In case of interruption of activity in the territory of the other Contracting State, before the expiry of the initial period stated in the form referred to in paragraph (1) of this Article, the employer or self-employed person shall inform the competent institution.

(6) In case of the extension of the posting period over the initial period of 24 months, the joint request of the employee and the employer or self-employed shall be addressed to the competent authority or to the designated institution of the Contracting State whose legislation continues to apply. In this respect, that authority or institution shall request the consent of the competent authority or the designated institution of the other Contracting State. Upon receipt of the consent, the competent institution of the Contracting State whose legislation continues to apply shall register in the form on the applicable legislation the number and date of approval and shall submit a copy of it to the institution of the other Contracting State.

(7) The provisions of paragraph (6) shall apply *mutatis mutandis* in relation to Article 11 of the Agreement.

Part III Special provisions

Chapter 1 Sickness and Maternity

Article 5 Application of Article 12 of the Agreement

(1) For the application of Article 12 of the Agreement, the competent institutions of the Contracting States shall certify, in the agreed bilingual form the periods of insurance completed under the legislation applicable in the Contracting States.

(2) The form referred to in paragraph 1 of this Article may be issued upon the request of the insured person or the competent institution of the Contracting State in whose territory the person has the place of residence, and/or stay, by the institution of the other Contracting State where the person was last insured.

Article 6 Benefits in kind in the event of stay in the territory of the other Contracting State

(1) The persons referred to in Article 13 paragraphs (1) and (3) of the Agreement, whose condition requires emergency benefits in kind, in order to receive such benefits shall submit to the institution of the place of stay or directly to the medical services providers of the place of stay, a form attesting that they are entitled to benefits in kind when they stay in the territory of that Contracting State.

(2) The form referred to in paragraph (1) shall be issued by the competent institution, at the request of the person, before it leaves the territory of the Contracting State where he/she resides and it indicates the exact length of the period in which such benefits may be granted. If the person does not submit the referred form, the institution of the place of stay may address to the competent institution to obtain it.

(3) In case of need for hospital care, the institution of the place of stay which provides benefit in kind according to its legislation shall send a notice to the competent institution, on the agreed bilingual form.

Article 7

Provision of benefits in kind in case of residence in the territory of the other Contracting State and of posted persons

(1) The persons referred to in Article 14 paragraphs (1) and (3) and Article 16 of the Agreement, for receiving sickness and maternity benefits must register to the institution of the place of residence or stay by submitting a form attesting that they are entitled to benefits in kind when they stay or reside in the territory of that Contracting State.

(2) The form referred to in paragraph (1) of this Article shall be issued by the competent institution, at the request of the person, before he/she leaves the territory of that Contracting State, and it indicates the exact length of the period for which the benefits may be granted. The institution of the place of residence or stay shall inform the competent institution of all the records it has made. If the insured person does not have the referred form, the institution of the place of residence or stay shall address to the competent institution to obtain it.

(3) In case the persons referred to in paragraph (1) of this Article no longer meet the conditions of insurance for which the forms were issued, the competent institution shall send to the institution providing the benefits a form regarding the cessation of the right to such benefits.

(4) In case of need for hospital care, the institution providing benefit in kind according to the place of residence or place of stay shall send a notice to the competent institution on the agreed bilingual form.

Article 8

Providing prostheses, medical devices and other substantial benefits in kind

(1) Prostheses, medical devices and other substantial benefits in kind under Article 13, paragraph (2) and Article 14 paragraph (2) of the Agreement shall mean those benefits whose value at the date of the request for prior approval exceeds 200 Euro, denominated in national currency of the institution which grants them.

(2) For providing prostheses, medical devices and other substantial benefits in kind provided under paragraph (1) of this Article, the institution of the place of residence or stay shall require through a form, the prior approval of the competent institution, unless provision of benefits cannot be postponed without endangering the life or health of the person concerned.

Article 9

Benefits in kind to pensioners

(1) In order to receive benefits in kind in the territory of the Contracting State in which he/she resides, a pensioner referred to in paragraph (2) of Article 15 of the Agreement, must register

at the institution of the place of residence, submitting a form through which the competent institution certifies that he/she is entitled to benefits in kind under the legislation it applies. The competent institution shall send a copy of the form to the institution of the other Contracting State.

This form shall also be used for the family members of the pensioner, referred to in paragraphs (4) and (5) of Article 15 of the Agreement.

(2) The institution of the place of residence shall notify the competent institution all the registrations made by it.

(3) The competent institution shall notify the institution of the place of residence the cessation of entitlement to benefits in kind for a pensioner.

Article 10 Cash benefits

(1) To qualify for cash benefits under the provisions of Article 17 of the Agreement, in case of stay or residence in the territory of the other Contracting State, the insured person must inform the institution of the place of stay or residence within 15 days from the date when the temporary work incapacity emerged.

Upon termination of temporary work incapacity, the insured person shall submit to the institution of the place of stay or residence or to the competent institution a certificate on temporary work incapacity issued by the physician.

(2) If the certificate is submitted to the institution of the place of residence or stay, it shall inform the competent institution by a form of temporary work incapacity.

Article 11 Method of reimbursement between institutions

(1) According to Article 18 of the Agreement, the cost of benefits in kind granted according to Articles 13-16 of the Agreement shall be reimbursed by the competent institution based on actual costs of benefits in kind provided by the institution of the place of stay or residence, as shown in the individual forms with actual expenditure that this institution presents for each insured person, excluding administrative costs.

(2) Reimbursement shall be made in Euro by the competent institutions through the competent institution for the Republic of Serbia and the liaison body for Romania, which present the summary of expenditure incurred in each semester, with individual forms for each insured person. Conversion of lei (RON), respectively dinars in Euros (€) shall be made at the exchange rate of the respective National Bank at the date at which the request for reimbursement was issued.

(3) The request for expenditure's reimbursement shall be sent after each semester, but not later than three years and it shall be paid within one year from its receipt.

Chapter 2

Old age, Invalidation and Survivors' Benefits

Article 12

Confirmation of insurance periods

If for the acquisition, maintaining or recovery of entitlement to benefits is necessary to take into account the periods of insurance completed under the legislation of the other Contracting State, the competent institution of that Contracting State shall issue a form certifying the insurance periods completed under the legislation which it applies.

Article 13

Submission of Request

(1) The competent institution of one Contracting State shall receive the requests for benefit according to the legislation of the other Contracting State. When submitting the request, it shall require the applicant to supplement the request with the available documents necessary for the competent institution of the other Contracting State to process the application.

(2) The date of submitting the request to the competent institution of a Contracting State shall be considered the date of submitting it to the competent institution of the other Contracting State, unless the person has specifically requested that the provision for old age pension rights by a Contracting State's institution to be delayed. In this case, the benefits shall be granted on the date indicated by the applicant, subject to complying with the legal requirements.

(3) The institution which receives the request shall immediately communicate it to the competent institution of the other Contracting State, specifying the date of the request, through a bilingual form for this purpose. Together with the request, the institution shall send and certify for conformity with the original any other documents available which may be useful to process the request.

(4) The applicants shall enter their personal data in the agreed bilingual forms. These data shall be certified by the institution for conformity with the original, thus replacing the delivery of the original documents.

(5) For obtaining the pension rights on grounds of invalidity, the request shall be accompanied by the agreed bilingual form and, if necessary, by the relevant medical documents which the competent institution of the place of residence has.

Article 14

Notification on completion of procedure for establishment of the right to benefits

Each competent institution shall decide upon each request of the applicants and shall notify the person concerned about the respective decision and also sends a copy of the decision together with the agreed bilingual form in this respect to the competent institution of the other Contracting State.

Article 15
Payment of benefits

- (1) The pensions due by the competent institution of a Contracting State shall be paid directly to the beneficiaries, according to the legislation which that institution applies.
- (2) The competent institution shall request the beneficiary information regarding the place of residence, the bank and the account number where the benefits shall be paid and other relevant data for the payment of benefits.
- (3) Payment is made without any deduction for administrative costs. Bank transfer costs are made in accordance with legislations of the Contracting States.
- (4) The beneficiary who receives benefits under the legislation of one Contracting State and has the place of residence in the territory of the other Contracting State shall submit yearly the certificate of life to the competent institution. The certificate shall be sent to the entitled person by the competent institution to be filled in and signed before a legal authority in the territory of the other Contracting State, which shall certify that this document was personally signed by the persons entitled to those rights. The certificate will be returned to the sending competent institution in the requested time.
- (5) If the certificate referred to in paragraph (4) of this Article is not submitted, the payment of the pension is temporary suspended until its receipt unless the legislation of the Contracting States provides otherwise.

Article 16
Recalculation, suspension or termination of pensions' payment

In case of recalculation, suspension or termination of pensions' payment, the competent institution which made that decision shall communicate it to the person concerned as well as to the competent institution of the other Contracting State.

Article 17
Notification

The competent institutions shall notify each other about any information they have on the beneficiary concerning any change in the personal or family situation, health, ability to work, income and any other circumstances which may affect the rights or obligations regarding the application of the Agreement.

Chapter 3
Death grant

Article 18
Death grant

- (1) To qualify for death grant under the legislation of one Contracting State, the applicant

who is residing in the territory of the other Contracting State shall submit the request directly to the competent institution or through the institution of his place of residence.

(2) The request shall be accompanied by the documents necessary under the legislation applied by the competent institution.

(3) Information provided by the applicant must be supported by official documents attached to the request and /or confirmed, as appropriate, by the institution of the place of residence of the applicant.

Chapter 4

Work Accident and Occupational Disease

Article 19

Benefit in Kind

(1) In cases referred to in Article 25 of the Agreement, Articles 7, 8, 11 (1) and (3), and Article 23 of this Administrative Arrangement shall apply. For this purpose the competent institution shall issue the agreed bilingual form.

(2) Reimbursement shall be made in Euro by the competent institutions, which present the summary of expenditure incurred in each semester, accompanied by the individual forms for each insured person. Conversion of lei (RON), respectively dinars in Euros (€) is made at the exchange rate of the respective National Bank at the date on which the request for reimbursement was issued.

Article 20

Cash Benefit

In cases referred to in Article 26 of the Agreement, the provisions of Article 10 of this Administrative Arrangement shall apply.

Article 21

Exchange of information and documents between institutions referring to work accidents and occupational diseases

The institution of the Contracting State in whose territory the accident at work or occupational disease occurred shall submit to the competent institution all necessary information and documents, including a report on the health of the person, accompanied by medical certificates at the end of incapacity of work.

Chapter 5

Article 22

Child Allowance

The liaison bodies or the competent institutions shall inform each other about the beneficiaries requesting this benefit under the Agreement through a bilingual form that may be also transmitted electronically.

Chapter 6

Miscellaneous provisions

Article 23

Medical expertise and control

(1) Medical expertise and control for applicants or recipients of benefits of one of the Contracting States, who are residing or staying in the territory of the other Contracting State shall be made at the request of the competent institution by the institution of the place of residence or stay, in the manner provided by the legislation which that latter institution applies.

(2) At the request of the competent institution of one Contracting State, the competent institution of the other Contracting State shall communicate free of charge any information on health status and any documents it holds on the work incapacity of the applicant or recipient of benefits.

(3) The competent institutions may require that the person concerned undergoes a supplementary medical control.

(4) The costs of medical examinations and medical checks of any kind, necessary for granting, maintaining, reviewing or for the recovery of benefits shall be reimbursed by the institution on whose behalf they were made to the institution which made them and on the basis of the tariffs applied by the institution that performed the medical expertise. Medical examinations conducted in the interest of the institutions of both Contracting States shall not be reimbursed.

Article 24

Exchange of Statistical Data

By the end of March every year, the liaison bodies shall exchange data on the pensions disbursed during the preceding calendar year to the beneficiaries with their place of residence in other Contracting State. The data shall refer to the type of benefit, number of beneficiaries and amounts disbursed.

Part IV

Final provisions

Article 25

Entry into force

(1) This Administrative Arrangement shall enter into force on the date of the entry into force of the Agreement and shall have the same duration as the Agreement.

(2) This Administrative Arrangement may be amended by written consent of the competent authorities.

Done in Belgrade, on October 28, 2016, in two originals, in Serbian, Romanian and English languages, each text being equally authentic. In case of differences of interpretation, the text in English language shall prevail.

**For
the competent authorities
of the Republic of Serbia**

[signed]

Aleksandar Vulin

**For
the competent authorities
of Romania**

[signed]

Dragoş Nicolae Pîslaru