

ADMINISTRATIVE ARRANGEMENT
FOR THE IMPLEMENTATION
OF THE AGREEMENT
BETWEEN
ROMANIA AND THE CZECH REPUBLIC
ON SOCIAL SECURITY

Pursuant to Article 27 paragraph 2 letter a) of the Agreement between Romania and the Czech Republic on Social Security, signed at Bucharest on 24th September 2002,

THE COMPETENT AUTHORITIES:

for Romania,

Ministry of Labour, Social Solidarity and Family and
Ministry of Health,

for the Czech Republic,

Ministry of Labour and Social Affairs and
Ministry of Health,

HAVE AGREED AS FOLLOWS:

**PART I
GENERAL PROVISIONS**

**Article 1
Definitions**

1. The terms used have the following meaning:
 - a. "Agreement" means the Agreement between Romania and the Czech Republic on Social Security, signed at Bucharest on 24th September 2002;
 - b. "Administrative Arrangement" means this Administrative Arrangement for the implementation of the Agreement.
2. The other terms which are used in this Administrative Arrangement have the meaning assigned to them in the Agreement.

**Article 2
Liaison Bodies**

1. Pursuant to Article 27 paragraph 2 letter c) of the Agreement, the designated liaison bodies are as follows:
 - a) for Romania:
 - for indemnities for work incapacity as a consequence of common diseases, injuries occurred outside the workplace, occupational diseases and work injuries; benefits in cash for recovering the work capacity; maternity indemnities, indemnities for child raising and sick child care; old age pensions; early retirement pensions; invalidity pensions; survivor pensions; death grants - National House for Pensions and other Social Insurance Rights (Casa Națională de Pensii și alte Drepturi de Asigurări Sociale);
 - for unemployment benefits - National Agency for Employment (Agenția Națională pentru Ocuparea Forței de Muncă);
 - for state allowance for children - Ministry of Labour, Social Solidarity and Family (Ministerul Muncii, Solidarității Sociale și Familiei);
 - for benefits in kind for sickness and maternity - National House of Health Insurance (Casa Națională de Asigurări de Sănătate);
 - b) for the Czech Republic:
 - for pension and sickness insurance, including benefits paid from this insurance when entitlement resulted as a consequence of an occupational injury or disease - Czech Social Security Administration (Česká správa sociálního zabezpečení);
 - for health insurance - Centre of International Reimbursements (Centrum mezinárodních úhrad);
 - for children allowances and death grants - Ministry of Labour and Social Affairs (Ministerstvo práce a sociálních věcí);

- for unemployment benefits -Employment Services Administration of the Ministry of Labour and Social Affairs (Správa služeb zaměstnanosti Ministerstva práce a sociálních věcí).

2. The liaison bodies shall facilitate the communication between the institutions of the Contracting States and have the duties provided for by the Administrative Arrangement. For the implementation of the Agreement they may communicate directly with each other as well as with the persons concerned or the persons authorised by them. The liaison bodies shall assist each other with the implementation of the Agreement.

PART II PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

Article 3 Certificates on the Applicable Legislation and Exceptions

1. In the cases referred to in Articles 8 to 13 of the Agreement, the certificate stating that the employed person remains, in respect of the employment referred, subject to the legislation of that Contracting State, shall be issued at the request of an employer or self employed person:

- in Romania: by the National House of Pensions and other Social Insurance Rights;
- in the Czech Republic: by the Czech Social Security Administration.

The certificate shall be sent to the person concerned and the certified copy to the aforesaid institution of the other Contracting State.

2. a) The following institutions are designated to agree on the exceptions from the provisions of Articles 7 to 12 of the Agreement, as provided in the Article 13:

- in Romania: the National House of Pensions and other Social Insurance Rights;
- in the Czech Republic: the Czech Social Security Administration.

b) The employed person and his employer shall submit a joint request in writing to the said designated institution of the Contracting State whose legislation shall be applied to the employed person pursuant to the request. The request of a self employed person shall be submitted in the same way.

The request on the exception from the application of the legislation of the State of employment referred to in Article 8 of the Agreement, in case of posted workers who have been already employed in this Contracting State and whose period of posting is to expire, shall be submitted before the termination of the current term of posting.

c) The consent of the designated institutions of the Contracting States on the exception shall be granted by a certificate issued and sent in accordance with paragraph 1 of this Article.

PART III
PROVISIONS CONCERNING BENEFITS

Article 4
Aggregation of periods of insurance

A certificate for the periods of insurance completed under the legislation of the Contracting State for the application of Articles 14, 18 and 22 paragraph 3 of the Agreement shall be issued at the request of:

- in Romania: the National House of Pensions and other Social Insurance Rights;
- in the Czech Republic: the Czech Social Security Administration.

Section 1 – Sickness and Maternity Benefits

Article 5
Certified Statement of Entitlement to Benefits in kind

1. In order to receive benefits in kind in the territory of the other Contracting State according to Article 15 and 23 of the Agreement, a person shall submit to the institution of the place of stay a certified statement issued by the competent institution stating the entitlement.
2. The certified statement referred to in paragraph 1 of this Article can be issued in exceptional cases subsequently at the request of the person concerned or of the institution of the place of stay.
3. The certified statement shall be issued in an agreed form and shall contain at least the following information:
 - identification data of the person and the competent institution,
 - the period of the entitlement to benefits,
 - the scope of benefits which the person is entitled to receive in the place of stay.
4. Where the administrative procedure was not fulfilled and the person referred to in paragraph 1 of Article 15 of the Agreement paid himself the benefits in kind, the institution of the place of stay, upon request of the competent institution, shall provide information relating to the amount of costs which should have been paid in case the administrative procedure had been fulfilled.
5. The benefits referred to in paragraph 3 of Article 15 of the Agreement mean the substantial benefits amount exceeding 100 euro calculated in national currency.

Article 6
Reimbursement of Costs of Benefits in Kind

Claims for reimbursement within the meaning of Article 17 of the Agreement shall be submitted quarterly on the basis of proof of the costs actually incurred to the institution of the place of stay for each registered case. Reimbursement is made through the liaison bodies of the Contracting States within 6 months from the receipt of the claims for reimbursement. If the competent institution did not contest the claim for reimbursement within this term, it is considered as acknowledged.

Article 7
Award of Benefits in Cash

1. In order to receive benefits in cash during a stay on the territory of the other Contracting State, the person concerned shall submit to the institution of the place of stay a certificate on work incapacity issued by a physician.
2. The institution of the place of stay shall send the certificate on work incapacity to the competent institution and without delay, through an agreed form.
3. However, the competent institution may request the institution of the place of stay to carry out the medical or administrative checks, which shall be made in the same manner as for its own insured person.

Section 2 – Invalidity, old age and survivors' benefits

Article 8
Processing a Claim

1. Where the institution of one Contracting State receives a claim for benefit from a person who has completed periods of insurance under the legislation of the other or both Contracting States, this institution shall send the claim through the liaison bodies to the competent institution of the other Contracting State, indicating the date the claim was received.

Accompanying the claim, it shall also send to the competent institution of the other Contracting State:

- any available documents that may be necessary for the competent institution of the other Contracting State to determine the claimant's entitlement for the benefit;
- the form which shall indicate, in particular, the periods of insurance completed under the legislation of the first Contracting State;
- and a copy of its decision on benefit if it has been taken.

2. The competent institution of the other Contracting State shall subsequently determine the claimant's entitlement and notify through the liaison bodies its decision to the competent institution of the first Contracting State.

Accompanying its decision, it shall also send, if necessary or upon request, to the competent institution of the first Contracting State:

- any available documents that may be necessary to the competent institution of the first Contracting State for establishing the entitlement for the benefit;
 - a form which shall indicate, in particular, the periods of insurance completed under the legislation which it applies.
3. The personal information regarding an individual contained in the claim shall be certified by the competent institutions which shall confirm the information on the basis of the documents. Certification of this information on the form shall exempt the competent institutions from sending the original documents. The competent institutions shall agree on the type of information to be confirmed in this manner.

Section 3 – Death Grants

Article 9 Avoidance of Double Payments

Where an institution of one Contracting State considers that Article 21 paragraph 2 of the Agreement might be applicable, it shall inform the liaison body of the other Contracting State.

Section 4 – Occupational Injuries and Diseases Benefits

Article 10 Occupation Liable to Cause the Disease

1. Where the institution of a Contracting State ascertains that the person suffering from an occupational disease has last time pursued an activity likely to cause that occupational disease in the territory of the other Contracting State, the institution shall forward the notification and any accompanying documents to the competent institution of the other Contracting State.
2. The institutions of both Contracting States shall exchange any available documents that may be necessary to determine the entitlement to benefits.

Section 5 – Unemployment Benefits

Article 11

Aggregation of periods of insurance

Periods of insurance completed under the legislation of the Contracting States for the application of Article 25 of the Agreement shall be certified by the institutions of the Contracting States on an agreed form and shall be sent through the liaison bodies.

Section 6 – Children Allowances

Article 12

Avoidance of double payments

Where an institution of a Contracting State considers that Article 26 paragraph 2 of the Agreement might be applicable, it shall inform the liaison body of the other Contracting State.

PART IV

MISCELLANEOUS PROVISIONS

Article 13

Payment of Benefits in Cash

1. Benefits in cash shall be paid directly to the beneficiaries.
2. The competent institutions of the Contracting States shall pay the benefits in cash under this Agreement without any deduction for their administrative expenses.

Article 14

Waiving of Reimbursement of the Costs of Administrative Checks and Medical Examinations

The costs of administrative checks and medical examinations carried out at the request of the institution of one Contracting State on the territory of the other Contracting State shall not be reimbursed between these institutions on a reciprocal basis.

Article 15

Exchange of Statistical data

The competent institutions of the Contracting States shall exchange statistical data on an annual basis regarding the benefits and in particular pensions, awarded and paid under the Agreement. The statistical data shall include data on the number of beneficiaries and the total amount of benefits paid, by type of benefit.

Article 16
Forms and Detailed Procedure

1. Under this Administrative Arrangement the liaison bodies of the Contracting States shall agree on the forms and on the detailed procedure necessary to implement the Agreement.
2. The institutions or liaison bodies of both Contracting States may refuse a claim for a benefit or any other request or certificate if they are not submitted on the agreed form.

PART V
FINAL PROVISIONS

Article 17
Entry into Force

This Administrative Arrangement is subject to approval in each Contracting State and the notification on the accomplishment of all requirements necessary under the national legislation for the entry into force of this Administrative Arrangement shall be mutually sent through diplomatic channels.

This Administrative Arrangement shall enter into force on the date the latter notification is received and shall remain in force during the period of validity of the Agreement.

Done at Prague on2004, in two original copies, each in the Romanian, Czech and English languages, all texts being equally authentic. In case of differences of interpretation, the English version shall prevail.

**FOR THE COMPETENT
AUTHORITIES
OF ROMANIA**

H. E. Mr. Gheorghe TINCA

**Ambassador
of Romania
in Prague**

**FOR THE COMPETENT
AUTHORITIES
OF THE CZECH REPUBLIC**

Mr. Čestmír SAJDA

**Deputy Minister of Labour and
Social Affairs
of the Czech Republic**