

AGREEMENT
BETWEEN
THE CZECH REPUBLIC
AND
THE SYRIAN ARAB REPUBLIC
ON SOCIAL SECURITY

The Czech Republic
and
the Syrian Arab Republic

being desirous to settle their mutual relations 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 expression:

1. "*legislation*"

means laws and other generally binding legal instruments concerning the branches of social security listed in Article 2;

2. "*competent authority*"

means - in relation to the Czech Republic: Ministry of Labour and Social Affairs
- in relation to the Syrian Arab Republic: Ministry of Social Affairs and Labour;

3. "*institution*"

means the body responsible for administration of the legislation according to Article 2;

4. "*competent institution*"

means the institution at the expense of which benefits or fulfilments are provided;

5. "*entitled person*" or merely "*person*"

means any physical person regardless of nationality;

6. "*gainfully employed person*"

means an employed person, self-employed person or a person treated as such under the legislation of the Contracting State;

7. "*periods of insurance*"

means periods of employment and periods during which the contributions to a social insurance scheme were paid as well as periods treated as such;

8. "*benefits*"

means all financial benefits or pensions including all elements thereof and all increases, supplementary allowances, compensations and additional payments as well as lump-sum payments and reimbursements.

(2) Other expressions in this Agreement have the meaning assigned to them in each Contracting state pursuant to its legislation.

Article 2
Material Scope

(1) This Agreement shall apply to the legislation governing:

1. a) invalidity benefits,
b) old-age benefits,
c) survivor's benefits,
d) benefits in respect of accidents at work and occupational diseases,
2. the liability for payment of all employment and self-employment social security contributions, including the health insurance contribution according to the applicable legislation determined in Part II.

(2) The legislation within the meaning of paragraph 1 comprises in particular:

- as regards the Czech Republic the legislation on:

1. a) pension insurance,
b) working relations in so far as settlement of liability for damage in case of accidents at work and occupational diseases is concerned,
2. contribution liability;

- as regards the Syrian Arab Republic the legislation on:

- a) insurance of old age, disability and death,
- b) insurance of labour injuries and diseases.

(3) This Agreement shall also apply to the legislation amending or replacing that mentioned in the preceding paragraph. It does not relate, however, to the legislation introducing a new branch of Social Security, unless decided otherwise between the competent authorities, nor to systems applying to victims of wars and the consequences thereof.

Article 3
Personal Scope

This Agreement shall apply to:

- a) persons who are or had been subject to the legislation of either or both of the Contracting States;
- b) persons who derive their rights from the above mentioned persons in subparagraph a).

Article 4
Equality of treatment

Persons covered by the Agreement shall be treated equally with own nationals of Contracting State as regards the application of its legislation, unless otherwise provided in this Agreement.

Article 5
Export of Benefits

The entitlement to benefits may not be denied and these benefits may not be reduced, suspended or withdrawn solely because the entitled person resides or undertakes the occupational activity in the territory of the other Contracting State, unless otherwise provided in this Agreement,

PART II
Determination of the Applicable Legislation

Article 6
General Rule

Persons who earn income by working on the territory of one Contracting State are subject to the legislation of the Contracting State on the territory of which they carry out gainful activity, unless otherwise provided in Articles 7 and 8 of this Agreement.

Article 7
Special Rules

(1) An employee, who is temporarily posted by his employer based in the territory of one Contracting State to the territory of the other Contracting State in order to perform work for this employer, shall continue to be subject to the legislation of the first Contracting State, provided that the anticipated duration of his posting does not exceed 60 calendar months.

(2) A self-employed person who is normally self-employed in the territory of one Contracting State and who performs temporarily his activity as a self-employed person in the territory of the other Contracting State shall continue to be subject to the legislation of the first Contracting state provided that anticipated duration of his work does not exceed 24 calendar months.

(3) If an employee of a transport company controlling international transport on the territory of both Contracting States is posted by his employer based in the territory of one Contracting State to the territory of the other Contracting State, then the legislation of the first Contracting State continues to apply to him as if he were still employed in its territory.

(4) An employee with residence in the territory of the other Contracting State is not considered to be an employee posted to the territory of this Contracting State pursuant to paragraphs 1 and 3; this does not apply in the event that the contract of employment of the employee determines that the place where he or she performs work lies in the territory of the first Contracting State.

(5) Civil servants and persons treated as such posted from one Contracting State to the territory of the other Contracting State are subject to the legislation of the Contracting State they were posted by.

(6) Person who is employed not only occasionally on board a vessel flying the flag of either Contracting State shall be subject to the legislation of the Contracting State under which the vessel flies.

Article 8
Diplomatic and Consular Missions

Diplomats, members of Diplomatic and Consular Missions as well as persons employed in their service are subject to the legislation pursuant to the Vienna Treaty on Diplomatic Relations of 18th April 1961 and the Vienna Treaty on Consular Relations of 24th April 1963.

Article 9
Exceptions

On the joint request of an employee and his employer or of the self-employed person the competent authorities of both Contracting States or bodies designated by them may jointly determine exceptions to articles 6 to 8 provided that a person concerned will be subject to the legislation and contribution liability in either Contracting State.

PART III
Special provisions
Chapter 1
Accidents at work and occupational diseases

Article 10
Award of benefits

(1) Occupational injuries and diseases benefits shall be granted by the competent institution of the Contracting State whose legislation was applicable to person in the moment when the occupational injuries occurred or the period when the person has been engaged in an occupation liable to cause an occupational disease. The institution of the other Contracting State shall only grant benefits in case of ordinary disease or injury out of work, under the legislation applicable, taking into account the provision of this Agreement.

(2) Where the legislation of either Contracting State makes the granting of benefits conditional upon the disease in question being first diagnosed in its territory, that condition shall be deemed to have been fulfilled if the disease was first diagnosed in the territory of the other Contracting State.

(3) Where the legislation of either Contracting State makes the granting of benefits subject to the condition that an occupation liable to cause the disease in question was carried out for a specific period, any period of similar occupation carried out under the legislation of the other Contracting State, shall be taken into account.

Article 11
Aggravation of an Occupational Disease

Where a person has received or is receiving benefits for occupational disease from the competent institution of one of the Contracting States and claims benefit, in the event of an aggravation of his disease, due to the occupation liable to cause such a disease in the territory of other Contracting States, the following provisions shall apply:

a) the benefits are granted by the institution of the first Contracting State, under its legislation without taking into account the aggravation of the disease.

b) the institution of the other Contracting States shall grant the benefit in the amount equal with the difference between the amount of the benefits due after the aggravation and the amount of the benefit that would have been awarded before the aggravation, under the legislation it applies.

Article 12
Accidents while Travelling

An accident occurred to a posted worker while travelling from the territory of the first Contracting State to the territory of the other Contracting state shall be deemed to have occurred in the territory of the first Contracting State.

Chapter 2
Invalidity, Old-age and Survivors' Pensions
Section 1 - Common Provisions

Article 13
Aggregation of Periods of Insurance

(1) If the acquisition, maintenance or recovery of the entitlement to benefits under the legislation of either Contracting State is made conditional upon the completion of periods of insurance, the competent institution shall, if necessary, take into account periods of insurance completed according to the legislation of the other Contracting State in so far as they do not overlap.

(2) As far as relations between the Contracting States are concerned account will be taken of liabilities arising from international agreements concluded by both Contracting States with third states, provided they cover the aggregation of periods of insurance for entitlement to pension.

Article 14
Calculation of Pensions

(1) If under the legislation of one Contracting State the conditions for the entitlement to benefits are satisfied even without taking into account the periods of insurance completed

under the legislation of the other Contracting State, the competent institution of the first Contracting State will determine the benefit

a) on the basis of the periods of insurance completed exclusively under its legislation, and at the same time

b) according to the rules provided by paragraph 2, with the exception when the result of this calculation is equal to or lower than the result of the calculation under a).

(2) If under the legislation of one Contracting State the right to benefits can be acquired only with regard to periods of insurance completed under the legislation of the other Contracting State or the third state within the meaning of Article 13 paragraph 2 of this Agreement, then the competent institution of the first Contracting State:

a) shall calculate the theoretical amount of the benefit which could be claimed provided that all periods of insurance have been completed under the legislation of this first Contracting State and

b) then - on the basis of the theoretical amount calculated with respect to letter a) - shall determine the actual amount of the benefit in accordance with the ratio of the duration of the periods of insurance completed under the legislation of the first Contracting State to the total periods of insurance.

Where, under the legislation of one Contracting State, benefits are calculated on the basis of average wages or salaries, the competent institution shall – in applying the provision of this paragraph - take into account wages or salaries gained during the periods of insurance completed under the legislation which it applies - with exclusion of wages or salaries and periods completed under the legislation of the other Contracting State or the third state taken into account within the meaning of Article 13 paragraph 2 of this Agreement.

(3) The person concerned shall be entitled to the highest amount calculated in accordance with paragraphs 1 and 2 from the competent institution of each Contracting State.

Article 15 **Periods less than 12 months**

(1) If the period of insurance completed under the legislation of one Contracting State is less than twelve months and does not result in any right to benefits, then the institution of this Contracting State will not award the benefit. This period will be taken into account by the institution of the other Contracting State as if this period of insurance was completed under its legislation.

(2) If the period of insurance completed under the legislation of either of the Contracting States does not total up to twelve months and, consequently, the entitlement cannot be acquired in any of the above States, all these periods will be taken into account by the institution of that Contracting State, under the legislation of which these necessary periods of insurance would create the entitlement to benefit. If the condition for the entitlement to benefits were thus satisfied in each of the Contracting States, all periods would be taken into

account only by the institution of that Contracting State under the legislation of which the longer period had been acquired.

Article 16
Overlapping

(1) The provisions of the legislation of one Contracting State on reduction, suspension or withdrawal of benefits when these overlap with other benefits or when the beneficiary derives other income or pursues gainful employment shall also be applied to a person who receives a benefit under the legislation of the other Contracting State or who derives other income or pursues gainful employment outside the territory of the first Contracting State.

(2) The competent authorities of the Contracting States may in respect of the recipients of benefits under their legislation restrict the application of legislative provisions mentioned in paragraph 1 or they may waive entirely of the application of these provisions. The application of those provisions shall be waived in all cases in which the application of these provisions would result in a lower entitlement to benefit than would occur through the application of the provision of the respective legislation concerning overlapping in relation to a State with which the Contracting State concerned has not concluded an international agreement on social security.

Section 2 - Special Provisions

Article 17

Application of the Legislation of the Czech Republic

A person whose invalidity began before reaching the age of 18 and who has not participated in the insurance scheme of the Czech Republic for the necessary period shall acquire the right to an invalidity pension provided this person is a resident of the Czech Republic.

PART IV

Miscellaneous Provisions

Article 18

Roles of Competent Authorities

(1) The competent authorities of the Contracting States shall lay down procedures and adopt measures for implementing this Agreement.

(2) The competent authorities shall, in particular,

- a) conclude an Administrative Arrangement for the application of this Agreement,
- b) inform each other about changes in the legislation of their respective states,
- c) designate liaison bodies to facilitate communication between the institutions of both Contracting States.

Article 19
Legal and Administrative Assistance

(1) The institutions, authorities and tribunals of the Contracting States shall assist each other in implementing this Agreement and shall act in a way as though they would apply their legislation. This assistance shall be free of charge.

(2) The institutions shall mutually recognize each other's documents issued by the competent bodies of the other Contracting State; however, as regards the assessment of health conditions or degrees of invalidity decisions may be taken exclusively by the institution of that Contracting State which is liable to provide benefits. In doing so account may be taken of reports and medical opinions submitted by the institution of the other Contracting State.

(3) Medical examinations required under the legislation of one Contracting State in respect of a person residing in the territory of the other Contracting State will be carried out at the request of the competent institution by a doctor, a medical institution or institution of the place of residence of the above mentioned person in the territory of the other Contracting State without mutual reimbursement of costs.

Article 20
Exemption from charges

(1) Exemption from or reduction of administrative charges laid down by the legislation of one Contracting State in respect of certificates and other documents required to be submitted for the purposes of this legislation shall be extended to similar certificates and other documents required to be submitted for the purposes of the legislation of the other Contracting State in implementing this Agreement.

(2) The competent authorities or institutions of each of the Contracting States shall in respect of certificates and other documents required to be submitted in implementing this agreement refrain from their authentication by diplomatic or consular authorities.

Article 21
Use of Official Languages

(1) Institutions responsible for insurance, authorities and tribunals of one Contracting State may not reject claims or other documents submitted to them on the grounds that they are written in the official language of the other Contracting State or in English.

(2) In implementing this Agreement the institutions responsible for insurance, authorities and tribunals may communicate directly with one another and with the persons concerned or their representatives or by means of liaison authorities in their official languages or in English.

Article 22
Submission of documents

(1) Any claim, declaration or appeal which should have been submitted, in order to comply with the legislation of one Contracting State, within a specified period to an administrative authority, tribunal or institution shall be admissible if it is submitted within the prescribed period to a corresponding authority, tribunal or institution of the other Contracting State.

(2) A claim for benefits submitted under the legislation of one Contracting State is deemed as a claim for a similar benefit under the legislation of the other Contracting State. This does not apply, however, if the applicant expressly requests the award of old-age benefits under the legislation of one of the Contracting States be postponed.

Article 23
Payment of Benefits

(1) Payments into the other Contracting State arising from this Agreement are effected in Euro or any freely convertible currency, according to the laws and rules of both Contracting States.

(2) Upon the request of the entitled person the competent institution liable to provide cash benefits will ensure their payment on a bank account in the territory of the Contracting State in which this institution has its office.

Article 24
Overdue payments

The institutions of the Contracting States shall try, by mutual agreement, to settle possible overpayments afforded to entitled persons.

Article 25
Resolution of Disputes

(1) All disputes which may arise in implementing this Agreement will be settled by agreement of the competent authorities of the Contracting States.

(2) If agreement cannot be reached in accordance with the preceding paragraph the dispute will be settled by negotiations between the Contracting States.

PART V
Transitional and Final Provisions

Article 26
Transitional Provisions

(1) No rights to payment of benefits shall be acquired under this Agreement in respect of any periods preceding the date of its enter into force.

(2) This Agreement also applies to the events which have occurred prior to the date on which it has come into force.

(3) When determining rights to benefits in accordance with this Agreement the periods of insurance completed prior to the date on which this Agreement came into force shall be also taken into account.

(4) This Agreement does not create rights for the periods of insurance, which were settled by lump-sum payment.

Article 27 **Earlier Decisions and Recalculation**

(1) Earlier decisions taken in matters governed by this Agreement do not contradict the application of this Agreement.

(2) Rights of persons whose pensions were calculated prior to the date on which this Agreement entered into force may be recalculated upon request.

Article 28 **Terms**

For rights which have been applied on the grounds of previous occurrences pursuant to Article 26 paragraph 2 and Article 27 paragraph 2, the terms for their application as well as the time limits in accordance with the legislation of the Contracting States start, at the earliest, from the date on which this Agreement comes into force.

Article 29 **Enter into force**

(1) This Agreement is subject to ratification.

(2) This Agreement will enter into force on the first day of the third month following the day on which the ratification documents have been exchanged.

Article 30 **Duration of the Agreement**

(1) This Agreement has been concluded for an indefinite period. Each of the Contracting States may, however, denounce this Agreement by giving a written notice of denunciation through the diplomatic channel to the other Party; in such a case, the termination

shall take effect on the first day of the sixth months after the date of the delivery of the notice to the other Contracting State.

(2) In the event of the denunciation of this Agreement, any right acquired by a person in accordance with its provisions shall be maintained.

Done atPrague.....this day ofMarch 25, 2010.....in duplicate, each in the Czech, Arabic and English language, each version being equally authentic. In case of differences of interpretation the English version is the authoritative one.

For the Czech Republic

Petr Šimerka
Minister of Labour and Social Affairs

For the Syrian Arab Republic

Diala Al-Haj Aref
Minister of Social Affairs and Labour