

Agreement between the State of Israel and the Slovak Republic on social security

The State of Israel and the Slovak Republic being desirous of regulating the relationship between the two states in the field of Social Security have agreed as follows:

PART I

General Provisions

Article 1

Definitions

1. For the purpose of this Agreement:

- a) “Contracting Parties” means the State of Israel and the Slovak Republic, hereinafter referred to as Israel and Slovakia,
- b) “Legislation” means the laws, decrees and regulations relative to the Social Security systems of the contracting Parties specified in Article 2 of this convention,
- c) “Competent Authority” means in relation to Israel: the Minister of Social Affairs and Services, in relation to Slovakia, Ministry of Labour, Social Affairs and Family of the Slovak Republic,
- d) “Institution” means the authority or institution responsible for implementing the legislation specified in Article 2 of this Agreement,
- e) “Competent Institution” means the institution which is responsible for providing benefits under the applicable legislation,
- f) “Benefit” means any payment in cash, or other benefit under the legislation defined in Article 2 of the Agreement including any additional amount, increase or supplement payable in addition to that benefit under the legislation of a Contracting Party, unless otherwise specified in this Agreement,
- g) “Period of Insurance” means a period of employment or self-employment, or contributions, or residence, as defined or recognized as a period of insurance in the legislation under which such period has been or is deemed to have been completed, or any similar period in so far as it is recognized in the legislation of a Contracting Party as equivalent to a period of insurance,
- h) “Residence” means in relation to Israel, habitual residence, which is lawfully established; and, in relation to Slovakia: usual residence,
- i) “Stay” means in relation to Israel temporary sojourn; and in relation to Slovakia temporary residence,

j) "Family member" means in relation to Israel the persons defined or recognized as such by the legislation applied by the Competent Institution and in relation to Slovakia family member as defined in the national legislation,

2. Other words and expressions used in this Agreement shall have the meanings respectively assigned to them in the legislation applied.

Article 2

Material Scope

1. This Agreement shall apply to the legislation:

A. In relation to Israel: the National Insurance Law (Consolidated version) 5755-1995 insofar as it applies to the following branches of insurance:

- a) Old age and survivors' insurance;
- b) Invalidity insurance;
- c) Work injury insurance;
- d) Children's insurance;

B. In relation to Slovakia, legislation regulating the general system of social security

- a) Pension benefits (old-age, invalidity and survivors' benefits)
- b) Accident benefits (accidents at work and occupational diseases)
- c) State social benefits (funeral grant, child allowance).

2. Unless otherwise indicated in paragraph 4 of this Article, this Agreement shall also apply to future legislation codifying, replacing, amending or complementing the legislation referred to in paragraph 1 of this Article.

3. With the entry into force of this Agreement, the Competent authorities shall notify each other of their legislation in the fields of Social Security referred to in paragraph 1 related to the implementation of this Agreement.

4. This Agreement shall not apply to legislation which extends the application of the legislation specified in paragraph 1 of this Article to new groups of beneficiaries, if the Competent Authority of the Contracting party concerned so decides and gives notice to that effect in connection with the notification referred to in paragraph 3 of this Article.

5. This Agreement shall not apply to legislation introducing a new branch or a new scheme of social security.

6. Unless otherwise provided in this Agreement, the application of this Agreement shall not be affected by any supranational legislation binding on a Contracting party, International Conventions concluded by the Contracting parties, or such legislation of a Contracting Party that has been promulgated for the implementation of an International Convention.

Article 3

Personal Scope

This Agreement applies to:

- a) nationals of the other Contracting Party,
- b) refugees, as referred to in the Convention relating to the Status of Refugees of 28 July 1951 and the protocol of 31 January 1967 to that Convention,
- c) stateless persons, as referred to in the Convention relating to the Status of Stateless Persons of 28 September 1954,
- d) family members and survivors of the persons mentioned under subparagraphs a) – c) with regard to the rights which they derive from such persons.

Article 4

Equal Treatment

Unless otherwise provided in this agreement, the persons stated in Article 3 of this Agreement shall, while residing in the territory of either Contracting Party, have the same rights and obligations under the legislation of that Contracting Party as its own nationals.

Article 5

Export of Benefits

Unless otherwise provided in this Agreement, pensions and other cash benefits shall not be reduced, modified, suspended or withdrawn because the person resides or stays in the territory of the other Contracting Party.

Part II

Applicable Legislation

Article 6

General Provisions

Unless otherwise provided in this Agreement:

- a) A person who is employed or self employed in the territory of one of the Contracting parties shall be subject to the legislation only of that Contracting Party, regardless of the Contracting Party in whose territory he resides,
- b) A person employed in the territory of both Contracting Parties shall be subject to the legislation of the Contracting Party in the territory of which he is resident,
- c) A person who is self-employed in the territory of both Contracting parties and who is a resident of one of the Contracting Parties shall be subject to the legislation of the Contracting Party in which he is resident. Such person shall be treated as if he exercised all his professional activities in the territory of the Contracting Party to whose legislation he is subject,
- d) Persons who are not gainfully occupied are subject to the legislation of the Contracting Party in whose territory they reside,
- e) This Agreement does not affect the provisions of the Vienna Convention on Diplomatic Relations or the general principles of customary international law regarding consular privileges and immunities with respect to the legislation specified in paragraph 1 of Article 2 of this Agreement,
- f) Civil servants persons treated as such and other persons employed by a public institution of a Contracting Party shall be subject to the legislation of the Contracting Party in whose administration they are employed, provided that they were subject to the legislation of that Contracting Party prior to the employment.

Article 7 Special Provisions

A person who:

- a) is employed by an employer whose registered place of business is in the territory of the Contracting Party,
- b) is covered under the legislation of the Contracting Party, and
- c) is posted to work in the territory of the other Contracting Party for the same employer for a period not exceeding 5 years,

shall continue to be subject to the legislation of the former Contracting Party as if he continued to be resident and employed in the territory of that Contracting Party.

2. The traveling personnel of a transport undertaking or of an airline operating in the territories of both Contracting Parties shall be subject to the legislation of the Contracting Party in whose territory the undertaking has its registered place of business. If, however, the employee is resident in the territory of the other Contracting Party, the legislation of that Contracting Party shall apply.

3. A person employed on board a vessel flying the flag of the Contracting Party shall be subject to the legislation of that Contracting Party provided that the employer's registered place of business is situated in the territory of the Contracting Party. The above mentioned applies also when a vessel flies the flag of a third country but has a crew paid by an undertaking having its registered place of business in one of the Contracting Parties or by a person resident in one of the Contracting Parties.

Article 8 Exceptions to Articles 6 and 7

The Competent Authorities or the bodies authorized by them may agree in writing on exceptions to the provisions of Articles 6 and 7 regarding certain persons or categories of persons.

Article 9

Insurance Contributions

The insurance contributions concerning a person covered by this Agreement shall be payable according to the legislation of the Contracting Party to which he is subject according to Articles 6 to 8 of this Agreement.

PART III

Special Provisions Concerning the Various Categories of Benefits

Chapter 1

Old Age, Invalidity and Survivors' Pensions

Article 10

Periods of Insurance of Less than Twelve Months

1. Where the total duration of the periods of insurance completed under the legislation of one of the Contracting Parties is less than twelve months and where, on the basis solely of those periods, no right of benefit exists under that legislation, the Institution of the Party concerned shall not be bound to grant a benefit in respect of the stated periods.
2. In such a case the other Contracting Party shall calculate the benefit taking into account insurance periods as specified in para. 1 of this Article as if such insurance periods were completed under the legislation of this Contracting Party.

Application of Israeli Legislation

Article 11

Old Age and Survivors' Benefits

1. When a national of a contracting party or a person designated I Article 3 b)- d) of the Agreement has been insured in Israel but does not have sufficient Israeli periods of insurance for entitlement to an old age or survivor's pension, periods of insurance completed under the legislation of Slovakia shall be taken into account as far as they do not overlap with the Israeli periods or insurance. The Israeli Competent Institution shall take into account only periods of insurance completed under the legislation of Slovakia after 1 April 1954.
2. If the beneficiary or his survivor qualifies for the benefit when periods of insurance completed under the legislation of both Contracting Parties are added together, the Israeli Competent Institution shall determine the benefit as follows:
 - a) The Israeli benefit which is payable to a person who has completed the qualifying periods of insurance according to the Israeli legislation shall be taken into account as a theoretical sum.

b) On the basis of the above theoretical sum the Competent Institution shall calculate the partial benefit payable according to the ratio between the length of Israeli periods of insurance which the person has completed under the legislation of Israel and the total of all insurance periods completed by him under the legislation of both Contracting Parties.

3. The right to an old age pension shall be conditional upon the beneficiary having been a resident of Israel or Slovakia immediately prior to attaining the age entitling him to an old age pension.

4. The right to a survivors' pension shall be conditional upon the beneficiary and the deceased having been residents of Israel or of Slovakia at the time of death, or the deceased having received an old age pension immediately before his death.

5. Vocational training and subsistence allowance for widows, widowers and orphans are payable to persons designated in paragraph 1 only if they reside in Israel and for as long as they are actually present in Israel.

6. Funeral grant shall not be payable in respect of a person who dies outside Israel and who was not a resident of Israel on the day of his death.

Article 12

Invalidity Benefits

1. A person covered by this Agreement shall be entitled to an invalidity benefit if he has been insured as a resident in Israel immediately prior to becoming an invalid.

2. Special services for handicapped, subsistence allowances for handicapped children of an insured person, professional rehabilitation for a handicapped person, vocational training and a subsistence allowance for spouses are payable to such a person as mentioned above provided he is resident in Israel and for as long as he is actually present in Israel.

3. A person covered by this Agreement who resides outside Israel and is entitled to an Israeli invalidity pension shall continue to receive the pension that he was awarded even if there is an increase in the degree of his invalidity, as a result of an aggravation of his invalidity or the addition of a further cause of invalidity arising abroad.

Application of the Legislation of Slovakia

Article 13

Aggregation of Insurance Periods and Calculation of Benefits

1. If the legislation of Slovakia makes conditional the entitlement to benefits on the completion of certain insurance periods, the Competent Institution of Slovakia shall aggregate the insurance periods completed under the legislation of Israel, provided that such periods do not overlap, as these insurance periods were completed under the legislation of Slovakia.
2. If the person concerned fulfils conditions under the legislation of Slovakia regardless of provisions of para. 1, the Competent Institution of Slovakia shall calculate benefits only for the periods of insurance completed under the legislation of Slovakia.
3. If the beneficiary fulfils conditions under the legislation of Slovakia only with regard to provisions of para. 1, the Competent Institution shall calculate the benefit as follows:
 - a) the Competent Institution shall calculate the theoretical amount of the benefit as if all insurance periods completed under the legislation of both Contracting Parties were completed only under the legislation of Slovakia;
 - b) on the basis of theoretical amount of the benefit, the Competent Institution shall calculate the amount of benefit corresponding to the proportion between actually completed insurance period under the legislation of Slovakia and the total insurance periods completed under the legislation of both Contracting Parties.
4. To determine the amount of benefit, the Slovak institution shall take into account only incomes gained during the insurance periods completed under the legislation it administers.
5. If the institution of Slovakia can calculate the amount of benefit only when taking into consideration the insurance periods completed under the Slovak legislation, the provision of para. 3 shall not apply.

Article 14

Invalidity Pensions

A person who became an invalid while he or she was a dependent child or attending full time doctoral studies before reaching the age of 26, shall be entitled to an invalidity

pension regardless of the length of the insurance period only if this person permanently lives in the territory of Slovakia.

Article 15

Funeral Grant

Entitlement to a funeral grant for entitled persons with a permanent residence in the territory of Slovakia shall arise under conditions and in the extent as stipulated in the legislation of Slovakia.

Chapter 2

Work Accidents and occupation Diseases

Article 16

Benefits in respect of work accidents or occupational diseases are provided by the institution of that Contracting Party to whose legislation the person was subject at the time of the work accident or last performed work followed by an occupational disease.

Article 17

Granting of Occupational Disease Benefits

1. When a person who has contracted an occupational disease has, under the legislation of both Contracting Parties, pursued an activity which by its nature is likely to cause that disease, the benefits that he or his survivors may claim shall be awarded exclusively in accordance with the legislation of the Contracting Party under which the activity was last pursued.
2. However, in cases where the disease in question is manifestly attributable to an activity of the stated nature under the legislation of the other Contracting Party, only the legislation of the latter Contracting Party shall be applied.

Article 18

In the event of aggravation of an occupational disease for which a person has received or is receiving benefit under the legislation of a Contracting Party, the following rules shall apply:

a) If the person concerned has not, while in receipt of benefits, been engaged in an occupation under the legislation of the other Contracting Party likely to aggravate the disease in question, the Competent Institution of the first Contracting Party shall meet the cost of the benefits under the provisions of the legislation which it administers taking into account the aggravation;

b) If the person concerned, while in receipt of benefits, has pursued such an activity under the legislation of the other Contracting Party, the Competent Institution of the first Contracting Party shall meet the cost of the benefits under the legislation which it administers without taking the aggravation into account. The Competent Institution of the second Contracting Party 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 aggravation and the amount which would have been due prior to the aggravation under the legislation which it administers if the disease in question had occurred under the legislation of the Contracting Party.

Article 19

If the legislation of a Contracting Party explicitly or implicitly provides that previous work accidents or occupation diseases be taken into consideration when determining the degree of invalidity of work capacity, the Competent Institution of that Contracting Party shall also take into consideration previous work accidents or occupational diseases sustained or diagnosed while under the legislation of the other Contracting Party, as if the legislation of the first Contracting Party had been applicable.

Chapter 3

Children's Benefits

Article 20

1. Children's benefits shall be awarded according to the legislation of the Contracting Party in whose territory the child resides.

2. If the benefit referred to in paragraph 1, due to the application of this Agreement, or a Contracting Party's legislation, is claimable in the territories of both Contracting Parties, the benefit shall be awarded only under the legislation of the Contracting Party where the child is present.

PART IV

Miscellaneous Provisions

Article 21

Administrative Arrangement and Information Exchange

The Competent Authorities shall:

- a) Agree on the procedure for the implementation of this Agreement by means of an Administrative Arrangement,
- b) Exchange information concerning measures taken for the application of this Agreement,
- c) Exchange information concerning all changes in their respective legislation which may affect the application of this Agreement,
- d) Designate liaison bodies to facilitate and accelerate the implementation of this Agreement by means of the Administrative Arrangement.

Article 22

Administrative Assistance

1. The Competent Authorities and Institutions of the Contracting Parties shall assist each other in implementing this Agreement as if they were enforcing their own legislations. This Administrative Assistance shall be free of charge, unless the Competent Authorities agree otherwise.

2. The authorities and institutions of the Contracting Parties may communicate directly with each other and with the persons concerned or with their representatives.

Article 23

Data Protection

Any data pertaining to individual persons which in the course of the application of this Agreement are transmitted by one Contracting Party to the other shall be confidential and used exclusively for determining the entitlement to benefits under this Agreement which are specified in the request for information or related to them.

All exchange of data between the Contracting Parties shall be subject to the legislation of each of the Contracting Parties.

Article 24

Exemption from Taxes, Charges and Authentication

1. When the legislation of a Contracting Party provides that any claim or document is exempt, wholly or partly, from taxes, stamp duties, fees for court proceedings or registration fees, as far as the application of the legislation of that Contracting Party is concerned, the exemption shall be extended to apply also to claims and documents which are submitted under the legislation of the other Contracting Party to this Agreement.

2. Documents and certificates which are presented for purposes of this Agreement shall be exempt from authentication by diplomats or consular authorities.

Article 25

Submission of Claims

1. Claims, notifications and appeals submitted to the Competent Institution of one Contracting Party shall be deemed to have been submitted to the Competent Institution of the other Contracting Party on the same date.

2. A claim for a benefit payable under the legislation of one Contracting Party shall be deemed to be a claim for the corresponding benefit payable under the legislation of the other Contracting Party, provided that the claim concerned is sent to the Competent Institution of the other Contracting Party. This does not apply, however, if the applicant expressly requests to postpone the award of old-age benefit under the legislation of one of the Contracting Parties.

3. When, under the legislation of a Contracting Party, an additional amount is payable because of delay in processing a claim for a pension or other benefit, the claim shall, for purposes of applying the provisions of the legislation concerning such an additional amount, be deemed to have been presented on the date when that claim, along with all necessary enclosures, has been received by the Competent Institution of that Contracting Party.

Article 26

Claims for Recovery

1. If the institution of a Contracting Party has paid a beneficiary a sum exceeding the entitlement of that beneficiary, the institution may, within the scope and terms of the applicable legislation, request the institution of the other Contracting Party to withhold a sum equivalent to the sum paid in excess from any sum payable by the latter institution to the beneficiary. Such withholding by that institution shall be in compliance with the scope and terms of the applicable legislation as if reclaiming an excess sum paid by that institution itself. The institution shall transmit the sum it has withheld to the requesting institution.

2. If the institution of a Contracting Party has made advance payments for a period during which the beneficiary was entitled to benefits under the legislation of the other Contracting Party, this institution may request the institution of the other Contracting Party to withhold a sum equivalent to that advance from benefits payable by that institution to the beneficiary for the same period. Such withholding by that institution shall be in compliance with the scope and terms of the applicable laws, and the sum withheld shall be transmitted to the requesting institution.

Article 27

Language Used in the Application

The Competent Authorities and Institution of the Contracting Party may in application of this Agreement use the official languages of the Contracting Parties or the English language, as specified in the Administrative Arrangement referred to in subparagraph a) of Article 21.

Article 28

Currency and Method of Payment

1. An institution of a Contracting Party shall pay benefit under this Agreement directly to a person concerned who has residence or who stays in the territory of the other Contracting Party, in Euros.
2. If provisions designed to restrict the exchange or exportation of currencies are introduced by either Contracting Party, the Competent Institutions of both Contracting Parties shall without delay take measures necessary to insure the transfer of sums payable under this Agreement.

Article 29

Settlement of Disputes

1. Disputes which arise in interpreting or applying this Agreement shall be resolved, to the extent possible, by the Competent Authorities.
2. Should the Competent Authorities be unable to resolve such disputes, pursuant to Paragraph 1, the Contracting Parties shall endeavor to do so by negotiations through diplomatic channels.

PART V

Transitional and Final Provisions

Article 30

Application of This Agreement and Periods of Time

Preceding Its Entry into Force

1. This Agreement shall not confer any rights to payment of benefit for any period prior to the date of entry into force of this Agreement.
2. When determining the right to benefits under this Agreement, any period of insurance completed prior to the entry into force of this Agreement shall be taken into account.

3. This Agreement may be applied even to contingencies that occurred prior to the entry into force of this Agreement.

4. Benefits granted prior to the entry into force of this Agreement may, upon application by the beneficiary, be determined to comply with the provisions of this Agreement. Such re-determination shall not result in any reduction in the amount of a benefit.

5. Any benefit which has not been awarded or which has been suspended by reason of the nationality of the person concerned or his residence in the territory of the other Contracting Party shall, on the application of that person, be awarded or resumed in accordance with this Agreement with effect from the date of entry into force of this Agreement, provided that the rights previously determined have not given rise to a lump-sum payment.

6. If the application referred to in paragraphs 4 and 5 of this Article is submitted within two years of the date of entry into force of this Agreement, the rights under this Agreement shall be acquired as from that date. If the application referred to in Paragraphs 4 and 5 of this Article is submitted after the expiration of the two year period following the date of entry into force of this Agreement, rights which have not been forfeited or are not barred by limitation shall be acquired as from the date on which the application was submitted, except when more favorable provisions of the legislation of any of the Contracting Parties apply.

Article 31

Validity and Denunciation of the Agreement

1. This Agreement shall remain in force for an indefinite period.

2. Either Contracting Party may at any time denounce this Agreement. Such denunciation shall enter into force on the 31st of December after at least 12 months following the date of its notification in writing to the other Contracting Party through diplomatic channels.

3. If this Agreement is terminated, any right to benefits acquired in accordance with this Agreement shall be maintained.

Article 32

Entry into Force

This Agreement shall enter into force on the first day of the third month following the month in which the Contracting Parties have notified each other in writing through diplomatic channels that all the required national legal formalities for the entry into force of this Agreement have been accomplished.

Done at Bratislava on 15 July 2010, which corresponds to the day ofof the Hebrew Calendar, in two original alternates in Hebrew, Slovak and English languages, each text being equally authentic. In case of divergence of interpretation, the English text shall prevail.

On behalf of the State of Israel

On behalf of the Slovak Republic