

On approval of the Agreement "On cooperation between the Republic of Azerbaijan and the Russian Federation in the field of pension provision" and "On approval of the Agreement between the Government of the Republic of Azerbaijan and the Government of the Russian Federation on guarantees of citizens' rights in the field of pension provision"

LAW OF THE REPUBLIC OF AZERBAIJAN

The Milli Mejlis of the Republic of Azerbaijan decides on the basis of Clause 4 of Part I of Article 95 of the Constitution of the Republic of Azerbaijan :

1. "On cooperation between the Republic of Azerbaijan and the Russian Federation in the field of pension provision" signed on April 26, 2022 in Baku to be approved.

2. Law No. 114-IIQ of the Republic of Azerbaijan dated [April 3, 2001](#) "On the approval of the Agreement between the Government of the Republic of Azerbaijan and the Government of the Russian Federation on guarantees of citizens' rights in the field of pension provision" (Legislative Collection of the Republic of Azerbaijan, 2001, No. 6, Article 368) should be canceled.

Ilham Aliyev,

President of the Republic of Azerbaijan

Baku city, July 8, 2022

№579-VIQ

On cooperation between the Republic of Azerbaijan and the Russian Federation in the field of pension provision

AGREEMENT

The Republic of Azerbaijan and the Russian Federation, hereinafter referred to as the "Contracting Parties",

guided by the desire to deepen friendly relations between the two states and develop cooperation in the field of pension provision, they agreed on the following:

Section I

GENERAL PROVISIONS

Article 1

Concepts

1. For the purposes of this Agreement, the following concepts are defined:

1) "**legislation**" - laws and other normative legal acts of the Contracting Parties regulating the relations provided for in Article 2 of this Agreement;

2) "**competent authorities**" - authorities recognized as competent to determine the procedure for the application of this Agreement in the territory of the relevant Contracting Party:

In the Republic of Azerbaijan - the Ministry of Labor and Social Protection of the Population of the Republic of Azerbaijan;

In the Russian Federation - the Ministry of Labor and Social Protection of the Russian Federation;

3) "**competent organizations**" - bodies and organizations of the Contracting Parties entrusted with the implementation of legislation related to the provisions of Article 2 of this Agreement ;

4) "**insured person**" - a person recognized as insured under the legislation of the Contracting Parties;

5) "**family member**" - a person defined or considered as a family member according to the legislation of the Contracting Parties;

6) "**place of residence**" - a place defined or considered as a permanent or temporary place of residence in the territories of the Contracting Parties on legal grounds by the legislation of the Contracting Parties;

7) "**insurance period**" - periods of work and (or) other activity during which insurance premiums are calculated and paid, as well as other periods taken into account during the determination of the pension right and calculation of the pension amount according to the legislation of the Contracting Parties;

8) "**pensions**" - monetary payments specified in Article 2 of this Agreement, stipulated by the legislation of the Contracting Parties;

9) "**pension capital**" - the amount defined as pension capital in accordance with the legislation of the Republic of Azerbaijan;

10) "**personal data**" - any information directly or indirectly related to an identified or identified person (subject of personal data);

11) "**email of personal data**" - collection, recording (recording), systematization, collection, storage, specification (updating, changing), extraction, use, transfer (dissemination, presentation) using automation tools or without using such tools , granting access), any action (operation) or set of actions (operations) performed with personal data, including anonymization, blocking, deletion, destruction .

2. Other concepts used in this Agreement have the meaning defined by the legislation of the relevant Contracting Party.

Article 2

Areas of application

1. This Agreement applies to relations regulated by the pension insurance legislation of both Contracting Parties regarding:

1) In the Republic of Azerbaijan:

labor pension due to age, labor pension due to disability, labor pension due to loss of the head of the family, as well as supplements to these pensions;

2) in the Russian Federation:

unless otherwise provided for in this Agreement, insurance pension due to old age, insurance pension due to disability, insurance pension due to loss of the head of the family, as well as fixed payment to insurance pension, removal and (or) increase of fixed payment to insurance pension and supplement to insurance pension;

savings pension and other payments on account of pension savings;

to social pensions;

to the social (federal or regional) supplement to the pension.

2. This Agreement applies to relations regulated by the legislation of the Contracting Parties regarding the payment of insurance premiums for the provision of monetary payments specified in paragraph 1 of this article.

3. This Agreement also applies to relations regulated by legislation on pension provision, which changes or supplements the provisions mentioned in paragraph 1 of this article, except for the cases provided for in paragraph 4 of this article.

4. If the Contracting Parties have not agreed on another case, this Agreement does not apply to relations regulated by legislation that change or supplement the cases specified in paragraph 1 of this article in terms of expanding the circle of covered persons, as well as defining new types of pension provision.

5. According to the legislation of the Republic of Azerbaijan, this Agreement does not apply to military servicemen and persons who are equal to them in pension provision, their family members, as well as to other categories of employees and their family members for whom special pension provision norms are defined by the legislation of the Republic of Azerbaijan.

Article 3

Scope of persons covered

Unless otherwise provided in this Agreement, this Agreement shall apply to citizens of the Contracting Parties who are or are subject to the legislation of the Contracting Parties in relation to the pensions provided for in Article 2 thereof, as well as to their family members.

Article 4

Equal rights

Unless otherwise provided in this Agreement, citizens of the other Contracting Party have equal rights and bear equal obligations with the citizens of the first Contracting Party during the application of the legislation of one of the Contracting Parties in the field of pension provision.

Article 5

General provisions on the payment of pensions

1. Pensions assigned based on the application of the insured person may be paid to him in the territory of the Contracting Party that assigned these pensions, or transferred to the territory of another Contracting Party.

2. Unless otherwise specified in this Agreement, pensions established and paid by the Contracting Parties may not be reduced, suspended or canceled due to the insured person's residence in the territory of the other Contracting Party.

3. Unless otherwise provided in this Agreement, when the insured person moves from the territory of one Contracting Party to live in the territory of another Contracting Party, the pension assigned to him, including the payment of pension payments and increases, shall be continued by the Contracting Party that appointed him.

4. When the insured person moves to a third country for permanent residence, the Contracting Party that established the pension shall, at the option of the insured person, either continue to pay the pensions assigned to him in its territory or transfer it to the territory of another Contracting Party.

5. The provisions of paragraphs 1-4 of this article do not apply to the following:

For the Republic of Azerbaijan - to supplements to the insurance part of the labor pension, to the pension amount for the period of labor activity in the territory of the Azerbaijan Soviet Socialist Republic, as well as to the pension amount calculated according to the length of insurance, which is taken into account by applying the norms of the international agreement determining that the obligation to provide pension belongs to the state where the insured person lives;

For the Russian Federation - fixed payment to the insurance pension, valorization of pension rights in monetary form, additions to the insurance pension determined by taking into account the place of residence of the insured person and (or) his family member according to the legislation of the Russian Federation, as well as the obligation to provide pension in the territory of the insured person's residence to the amount of pension calculated based on the length of insurance taken into account by applying the norms of the international agreement, which determines that it belongs to the state.

6. Persons who have the right to receive the pension amounts that they did not receive due to the death of the insured person (his family member) apply to the competent organization of one of the Contracting Parties with the appropriate application and necessary documents to receive these amounts.

7. If the competent organization of one of the Contracting Parties pays the pension in the territory of the other Contracting Party, it pays the costs related to the transfer.

Article 6

Payment of pensions during migration

1. If circumstances that may affect the determination or payment of pensions according to the legislation of one Contracting Party occur in the territory of the other Contracting Party, then the first Contracting Party considers these circumstances as having occurred in its territory.

2. Unless otherwise provided for in this Agreement, the appointment and payment of the pension of the insured person in accordance with the legislation of one of the Contracting Parties shall simultaneously be the appointment of the same and (or) other type of pension provided for in Article 2 of this Agreement in accordance with the legislation of the other Contracting Party, and does not affect the right to payment.

3. When applying the federal or regional social supplement to pensions in the Russian Federation, pensions established under the legislation of the Republic of Azerbaijan are not taken into account.

4. In the Russian Federation, the social pension is determined and paid in accordance with the legislation of the Russian Federation, provided that the insured person does not receive the pensions established in accordance with the legislation of the Republic of Azerbaijan. When granting pensions to citizens of the Republic of Azerbaijan in the Russian Federation, the periods of their residence in the territories of both Contracting Parties are taken into account, provided that they have lived in the territory of the Russian Federation for at least one year.

Section II

APPLICABLE LEGISLATION

Article 7

General Provisions

Unless otherwise provided in this Agreement, only the legislation of the Contracting Party in whose territory they are engaged in labor (salaried work) and (or) other (unsalaried work) activities shall be applied to the insured persons to whom this Agreement applies.

Article 8

Special provisions

The following exceptions to Article 7 of this Agreement are defined:

1) the legislation of the Contracting Party in whose territory they permanently reside applies to the insured persons engaged in labor activity (hired work) in the territories of both Contracting Parties;

2) In the territory of one of the Contracting Parties, the insured persons who are usually engaged in labor activity (hired work) in the organization where they work and who are sent by this organization to work in the territory of the other Contracting Party for a certain period of time, during the secondment period, but not more than 24 months, to the first Agreement the legislation of the visiting Party applies. According to the agreement reached individually between the competent authorities, the mentioned period of application of the legislation of the Contracting Party sending the insured person can be extended by no more than 24 months;

3) the provisions of paragraph 2 of this article also apply to insured persons engaged in other types of activities (unpaid work);

4) The Vienna Convention on Diplomatic Relations dated April 18, 1961, the Vienna Convention on Consular Relations dated April 24, 1963, and the Republic of Azerbaijan and the Russian Federation, respectively, in relation to employees of diplomatic missions and consular employees of the Contracting Parties, as well as private domestic workers other existing international agreements are applied between;

5) the legislation of the Contracting Party under whose flag it sails applies to the members of the ship's crew;

6) the legislation of the Contracting Party on the territory of which the port is located shall apply to the persons employed in the work of loading, unloading and repairing ships or in the security service of the port;

7) the legislation of the Contracting Party where the respective organization is registered applies to the traveling staff of transport organizations that carry out international transportation in the territory of both Contracting Parties;

8) the legislation of the Contracting Party where the aircraft is registered applies to the flight crew members of aircrafts.

The competent authorities of the Contracting Parties may make exceptions to the provisions of paragraphs 2 and 3 of this article based on mutual agreement.

Section III

PROVISIONS REGARDING PENSIONS

Article 9

Determination of pension entitlement

1. Unless otherwise provided for in this Agreement, each Contracting Party, in accordance with its legislation, determines a pension based on the length of insurance obtained in its territory (or accumulated pension capital in accordance with the legislation of the Republic of Azerbaijan - for the Republic of Azerbaijan).

2. When determining the right to pension, the Contracting Parties take into account the length of insurance (or accumulated pension capital in accordance with the legislation of the Republic of Azerbaijan - for the Republic of Azerbaijan) obtained in their territory, as well as in the territory of the former Azerbaijan Soviet Socialist Republic and the Russian Soviet Federative Socialist Republic. Unless otherwise specified in this Agreement, the insurance period obtained in the territories of other republics and other states included in the Union of Soviet Socialist Republics is not taken into account.

3. If, according to the legislation of one of the Contracting Parties, the right to pension arises without taking into account the length of insurance obtained in the territory of the other Contracting Party, the first Contracting Party determines the pension on the basis of the length of insurance obtained in its territory. In this case, the calculation and confirmation of the insurance length of service is carried out according to the legislation of the Contracting Party that determines the pension.

4. If the length of insurance obtained under the legislation of the Contracting Party determining the pension is not sufficient to determine the pension right, then according to the legislation of the other Contracting Party, as well as the legislation of the third country with which the Contracting Party determining the pension concluded an international agreement on social security (pension insurance) does not take into account the obtained insurance seniority. In this case, the relevant insurance period must be confirmed by a third country.

5. When the pension right is determined in accordance with paragraph 4 of this article, the period of insurance that coincides with the period of its acquisition is not aggregated.

6. When the right to pension in the Russian Federation is determined in accordance with paragraphs 4 and 5 of this article, the amount of the individual pension coefficient is determined according to the length of service obtained in the territory of the Russian Federation, as well as the former Russian Soviet Federative Socialist Republic. Each year of work experience obtained in the territory of the Republic of Azerbaijan, the Azerbaijan Soviet Socialist Republic, as well as in the territory of a third country with which the Russian Federation has signed an international agreement on social security (pension insurance), in the event that the right to pension does not arise due to the failure to provide the required amount of the individual pension coefficient according to the legislation of the Russian Federation a personal pension coefficient equal to one is applied. At this time, one month of insurance seniority is 1/12 of the coefficient for a full calendar year,

7. Working periods in the territories of the former Azerbaijan Soviet Socialist Republic and the Russian Soviet Federative Socialist Republic until January 1, 1991, when determining the right to a pension in connection with work in a certain specialty, in a certain position or under certain working conditions and organizations according to the legislation of one of the Contracting Parties except that similar periods of work in the territory of the other Contracting Party shall not be aggregated with periods of work in the territory of the first Contracting Party, but shall be considered as periods of insurance seniority on a general basis.

8. If the insurance period obtained in accordance with the legislation of one of the Contracting Parties is less than 12 months, a pension shall not be granted, except in cases where the period of insurance gives the right to a pension according to the legislation of the corresponding Contracting Party.

9. When determining the right to early labor pension (early insurance pension due to old age) depending on the number of family members:

For the Republic of Azerbaijan - in the territory of the Republic of Azerbaijan, as well as the former Azerbaijan Soviet Socialist Republic;

For the Russian Federation - does not take into account children born and raised in the territory of the Russian Federation, as well as the former Russian Soviet Federative Socialist Republic.

Article 10

Accumulated pension and other payments on account of pension contributions

In the Russian Federation, the determination of the right to receive accumulated pension and other payments at the expense of pension contributions, as well as the calculation of their amount, is carried out in accordance with its legislation.

Article 11

Determining the pension amount

1. Unless otherwise provided in this Agreement, each Contracting Party calculates the amount of pension corresponding to the insurance period obtained in its territory (or to the accumulated pension capital in accordance with the legislation of the Republic of Azerbaijan - for the Republic of Azerbaijan) according to the provisions of its legislation.

2. During the calculation of the pension amount according to the legislation of the Russian Federation, the insurance period obtained in its territory and in accordance with its legislation, as well as in the territory of the former Russian Soviet Federative Socialist Republic, is taken into account. Seniority obtained in the territory of other republics included in the Union of Soviet Socialist Republics, as well as in third countries, is not taken into account.

3. When calculating the pension amount according to the legislation of the Republic of Azerbaijan, the insurance period obtained in its territory and in accordance with its legislation or the pension capital collected in accordance with its legislation are not taken into account. The length of service obtained in the territory of the former Azerbaijan Soviet Socialist Republic is not taken into account only if the insured person or his family members live in the territory of the Azerbaijan Republic at the time of pension determination. Seniority obtained in the territory of other republics that are part of the Union of Soviet Socialist Republics, as well as in third countries, is not taken into account.

4. If the duration of the insurance period obtained in the territory of the Russian Federation and the territory of the former Russian Soviet Federative Socialist Republic is less than the period of insurance period required for determining the rights to the insurance pension, then the amount of the fixed payment to the insurance pension, as well as the amount of the increase of the fixed payment to the insurance pension and the amount to the insurance pension the increased amount of the increase of the fixed payment is determined by the ratio of the actual period of insurance period obtained in the territory of the Russian Federation, as well as in the territory of the former Russian Soviet Federative Socialist Republic, to the period of insurance period required for determining the right to an insurance pension in accordance with the legislation of the Russian Federation.

5. According to the legislation of the Russian Federation, a fixed payment is not assigned to the insurance pension for persons living in the territory of the Republic of Azerbaijan, as well as a third country, and the valorization of pension rights in the form of money is not carried out.

Section IV

COOPERATION OF THE PARTIES TO THE AGREEMENT

Article 12

Cooperation of authorized bodies and competent organizations

1. The competent authorities of the Contracting Parties conclude an administrative agreement on the implementation of this Agreement. Competent organizations (authorities) of the Contracting Parties may sign an agreement on electronic communication that can be carried out through reliable third parties determined in accordance with the legislation of the Contracting Parties for the purpose of implementing this Agreement and at the same time the administrative Agreement on the implementation of this Agreement.

2. The competent authorities of the Contracting Parties indicate the competent organizations in the administrative agreement on the implementation of this Agreement provided for in paragraph 1 of this article.

3. The competent authorities of the Contracting Parties inform each other about all changes to the legislation on pension provision that are important for the application of this Agreement.

4. The competent authorities and competent organizations of the Contracting Parties interact with each other in all matters related to the implementation of this Agreement and provide free assistance to each other.

5. Necessary documents issued by the official bodies of one Contracting Party for pension provision are accepted in the other Contracting Party without legalization.

6. The authorized bodies and competent organizations of the Contracting Parties shall correspond during the implementation of this Agreement. It is implemented in the state languages of the Contracting Parties. Documents and (or) applications necessary for the implementation of this Agreement, including pension determination, recalculation and payment, are accepted for execution without translation. At this time, if it is possible to reach an unambiguous conclusion about the content of the document, the documents can be accepted for execution without translation for determining and paying the pension. The translation of the document and (or) the application is carried out by the competent body and competent organization of the Contracting Party where the document is needed. This provision does not apply to the documents submitted by the insured person or his representative to the competent authorities and competent organizations of the Contracting Parties.

6. If the names or addresses of the competent authorities and competent organizations of the Contracting Parties change, the competent authorities of the Contracting Parties shall inform each other of these changes.

Article 13

Medical examination and (or) re-examination

1. Medical examination (medical examination) and (or) re-examination) of the insured person for the purpose of referral to medical and social expertise (complex examination) is carried out in accordance with the legislation of the Contracting Party at the place of residence of the insured person.

2. The decision on the disability group (degree), duration, causes (disability assessment) is made (also in absentia) by the competent organization that carries out the medical and social expertise (complex examination) of that Party in accordance with the legislation of the Contracting Party where the relevant pension is assigned and paid. In this case, the certificate and medical opinions issued in accordance with the legislation of the Contracting Parties are taken into account.

Article 14

Sending applications and documents

1. If the application submitted for determination, recalculation, payment and revision of a pension under the legislation of one Contracting Party has the right to determination, recalculation, payment and revision of a pension under the legislation of the other Contracting Party, in accordance with the legislation of that Contracting Party is accepted as an application giving the right to determine, recalculate, pay and revise the pension.

2. Applications, appeals and documents on the appointment, recalculation, payment and review of pension submitted to the competent authority and competent organization of one of the Contracting Parties shall be accepted as submitted to the competent authority and competent organization of the other Contracting Party on the same date.

3. The time spent on sending the applications, applications and documents necessary for the implementation of this Agreement between the competent authorities and competent organizations of the Contracting Parties, in accordance with the legislation of the Contracting Parties, on the consideration of applications, applications and documents and on the determination, recalculation and payment of pension and or is not included in the period of issuing a decision on the determination and refusal of recalculation of the pension.

Article 15

Request for receipt of already paid pension amounts

1. The competent organization of the Contracting Party that has paid the pension provided for in Clause 1 of Article 2 of this Agreement and has stopped payment shall receive from the competent organization of the other Contracting Party the pensions determined by Clause 1 of Article 2 of this Agreement and paid by that Contracting Party. can request a deduction of the amount already paid.

2. The competent organization that has received the request mentioned in paragraph 1 of this article, during the payment of the pension, shall deduct the amount stipulated in the legislation of the requested Contracting Party in favor of the requesting Contracting Party, or inform it about the impossibility of fulfilling the request.

3. The procedure for returning the withheld amounts is determined by the administrative agreement provided for in paragraph 1 of Article 12 of this Agreement.

Article 16

Data protection

1. In accordance with the provisions of this article and at the request of the insured person, the competent organizations of both Contracting Parties have the right to process his personal data for the purpose of implementing this Agreement.

2. During the transfer of personal data in accordance with paragraph 1 of this article, the competent organization of the Contracting Party applies the legislation of that Contracting Party on the protection of personal life and personal data.

3. Processing and storage of personal data by the competent organization of the Contracting Party to which it is submitted is carried out in accordance with the legislation of that Contracting Party on the protection of personal life and personal data.

4. The personal data referred to in this article are confidential and are processed only for the purpose of determining the pension right under this Agreement. The transfer of personal data specified in the request for obtaining information is carried out only between competent organizations or authorized bodies of both Contracting Parties, and this data cannot be transferred to third parties.

5. The Contracting Parties shall take the necessary legal and organizational measures to protect the personal data required in accordance with this Agreement from illegal or accidental use, destruction, loss, alteration, blocking, copying, presentation, distribution, as well as any other unauthorized and illegal processing. and implement technical measures.

Article 17

Dispute settlement

Disputes arising between the Contracting Parties during the interpretation and application of this Agreement shall be resolved by the competent authorities of the Contracting Parties through negotiations and consultations.

Section V

TRANSITIONAL AND FINAL PROVISIONS

Article 18

Transitional provisions

1. According to this Agreement, the right to pension arises from the date of its entry into force.
2. In order to determine the right to pension in accordance with the provisions of this Agreement, the insurance period obtained before the entry into force of this Agreement (or accumulated pension capital in accordance with the legislation of the Republic of Azerbaijan - for the Republic of Azerbaijan) is taken into account.
3. Taking into account the provisions of paragraph 1 of this article, this Agreement also applies to insurance cases that occurred before its entry into force.

Article 19

Revision of pensions

1. The pensions established before the entry into force of this Agreement may be revised from the first day of the month following the month in which the relevant application was submitted based on the application of the insured person in accordance with the provisions of this Agreement. Revision of pension based on this application is considered final. In this case, the total amount of pensions established by each Contracting Party cannot be less than the amount before the revision of the pension in accordance with this Agreement.
2. If the pension amount is less than the previous pension as a result of the revision of the pension in accordance with paragraph 1 of this article, such revision is not carried out and the payment of previously determined pensions continues.

Article 20

Entry into force of the contract

1. This Agreement shall be ratified.
2. This Agreement shall enter into force on the first day of the second month following the end of the month in which the instruments of ratification were exchanged.
3. The Contracting Parties may make changes to the text of this Agreement, which are an integral part of it. Amendments to this Agreement shall be made by the Contracting Parties signing relevant protocols that shall enter into force in accordance with the provisions of paragraphs 1 and 2 of this article.
4. In connection with the signing of this Agreement, the Contracting Parties express their intention not to become a party to the Agreement between the Government of the Republic of Azerbaijan and the Government of the Russian Federation on guarantees of citizens' rights in the field of pension provision, signed in Baku on November 5, 1999.

Termination of the contract

1. This Agreement is concluded for an indefinite period. Each Contracting Party has the right to terminate this Agreement during the current calendar year by sending a written notice to the other Contracting Party through diplomatic channels. If this notice is sent no later than six months before the end of the current year, this Agreement shall expire on the last day of the year.

2. In the event of termination of this Agreement, the rights acquired under its provisions shall remain in force, and applications for pension submitted until the date of termination of this Agreement shall be granted in accordance with its provisions.

Signed in Baku on April 26, 2022, in two original copies, each in the Azerbaijani and Russian languages, both texts are equally valid.

Azerbaijan Republic

from name

(signature)

Russian Federation

from name

(signature)