

On the approval of the Agreement "On pension provision between the Government of the Republic of Azerbaijan and the Government of the Republic of Bulgaria".

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 :

"The Agreement between the Government of the Republic of Azerbaijan and the Government of the Republic of Bulgaria on pension provision" signed in Baku on November 6, 2019 should be approved.

**Ilham Aliyev,
President of the Republic of Azerbaijan**

Baku city, March 30, 2020
№37-VIQ

On pension provision between the Government of the Republic of Azerbaijan and the Government of the Republic of Bulgaria

AGREEMENT

The Government of the Republic of Azerbaijan and the Government of the Republic of Bulgaria, hereinafter referred to as the "Contracting Parties",

wishing to develop cooperation in the field of pension provision,

agreed on the following:

SECTION I

GENERAL PROVISIONS

Article 1

Basic concepts

1. The terms used for the purposes of this Agreement shall have the following meanings:
 - a) **"legislation"** - laws and other normative legal acts of the states of the Contracting Parties regulating the relations specified in Article 2 of this Agreement;
 - b) **"citizen"** - in relation to the Republic of Azerbaijan - a citizen of the Republic of Azerbaijan in accordance with the provisions stipulated in the legislation of Azerbaijan;
In relation to the Republic of Bulgaria - a citizen of the Republic of Bulgaria in accordance with the provisions of the Bulgarian legislation;
 - c) **"place of residence"** - the place defined or considered as the place of permanent or longer residence of citizens on the territory of the States of the Contracting Parties in accordance with the legislation of the States of the Contracting Parties;
 - d) **"social insurance (labor) seniority"** - the period considered as such in accordance with the legislation of the state of both Contracting Parties;
 - e) **"pension"** - payments provided for in Article 2 of this Agreement, including all its elements;
 - f) **"authorized body"** - in relation to the Republic of Azerbaijan - the Ministry of Labor and Social Protection of the Population of the Republic of Azerbaijan,
Regarding the Republic of Bulgaria - Minister of Labor and Social Policy of the Republic of Bulgaria;
 - g) **"competent body"** - the department, institution or body responsible for applying the legislation of the states of the Contracting Parties on the relations provided for in the provisions of Article 2 of this Agreement;

h) **"family member"** - a person defined or considered as a family member in accordance with the legislation of the states of the Contracting Parties;

i) **"self-employed person"** - a person defined as a self-employed person in accordance with the normative legal acts of the states of the Contracting Parties.

2. Any other terms used in this Agreement have the meaning determined by the legislation of the states of the Contracting Parties.

Article 2

Scope

1. This Agreement is applied in the following relations regulated by the legislation of the states of the Contracting Parties:

In the Republic of Azerbaijan:

- a) labor pension according to age;
- b) labor pension due to disability;
- c) labor pension due to the loss of the head of the family;

Within the state social insurance in the Republic of Bulgaria:

- a) pension according to social insurance (labor) length of service and age;
- b) disability pension due to general illness;
- c) bereavement pension for any of the above types.

2. This Agreement is also applicable in relation to the payment of social insurance premiums for ensuring the payments mentioned in paragraph 1 of this article, regulated by the legislation of the states of the Contracting Parties.

3. With the exception of what is mentioned in paragraph 4 of this article, this Agreement is also applied in relations regulated by legislation and replacing and supplementing the provisions of paragraphs 1 and 2 of this article.

4. Unless the states of the Contracting Parties agree otherwise, this Agreement shall not be applied in relations regulated by new legislation that replaces or supplements the provisions of paragraphs 1 and 2 of this article on the issues of expanding or limiting the group of persons, as well as the introduction of new types of pensions.

Article 3

Persons to whom the Agreement applies

This Agreement shall apply to the citizens of the States of the Contracting Parties to which the legislation of one or both of the States of the Contracting Parties applies in the past or at present, as well as to family members who derive their rights from the said persons.

Article 4

Equal treatment

In the application of the legislation of the state of one Contracting Party, the persons who are citizens of the state of the other Contracting Party specified in Article 3 shall be treated equally with the citizens of the state of that Contracting Party, unless otherwise provided for in this Agreement.

Article 5

Payment of pensions

1. Unless otherwise provided in this Agreement, the pension received by the persons referred to in Article 3 under the legislation of one of the Contracting Parties shall not be reduced, changed, temporarily suspended, or canceled in any way due to the fact that the person lives in the territory of the other Contracting Party, is not confiscated and the pension is paid to the territory of the state of the other Contracting Party.

2. Pensions established under this Agreement may be paid to citizens of the Contracting Parties whose permanent residence is in the territory of a third country in accordance with the procedure established by the legislation of the Contracting Parties.

3. Pensions can be paid in the territory of the Contracting Party that established the pension or transferred to the territory of another Contracting Party based on the request of citizens.

Article 6

Assimilation of facts

According to the legislation of the state of the Contracting Party that determines the pension, the cases that occur in the territory of the state of the other Contracting Party affecting the exercise of the right to pension, the temporary suspension of the pension or the change of the pension amount are considered as having occurred in the territory of the state of the first Contracting Party.

SECTION II

APPLICABLE LEGISLATION

Article 7

General provisions on applicable law

Unless otherwise provided for in this Agreement, only the legislation of the State of the Contracting Party engaged in labor activity in its territory shall apply to employed and self-employed persons covered by this Agreement.

Article 8

Specific provisions on applicable law

1. The legislation of the state of the first Contracting Party applies to persons who work in the territory of the state of any Contracting Party and are sent by their employer to work in the territory of the state of the other Contracting Party, provided that the period of posting does not exceed 2 (two) years. The period in which the legislation of the sending Contracting Party's state is applied by the competent authorities of the Contracting Parties' states or the competent institutions designated by them may be extended for no more than 1 (one) year, based on mutual agreement in each individual case.

2. The provisions of paragraph 1 of this article also apply to self-employed persons living in the territory of the state of one Contracting Party as a self-employed person and engaged in labor activity in the territory of the state of the other Contracting Party.

3. The legislation of the state of the Contracting Party where the legal address of this enterprise is located applies to the employees of transport enterprises engaged in international transportation in the territory of both States of the Contracting Parties.

4. The legislation of the state of the Contracting Party under whose flag it sails shall be applied in relation to the ship's crew members, as well as other persons working on the ship. The legislation of the State of the Contracting Party in whose territory the port is located applies to persons employed in connection with cargo loading, unloading and ship repair or port security service.

5. To employees of diplomatic missions and consulates of the States of the Contracting Parties, as well as to persons working in the personal service of diplomatic missions or consular officials, the Vienna Convention "On Diplomatic Relations" dated April 18, 1961 and "On Consular Relations" dated April 24, 1963 the relevant provisions of the Vienna Convention of April are applied.

6. The legislation of the state of the first Contracting Party shall be applied in relation to civil servants and their equivalents sent by the state authorities of one Contracting Party to the territory of the other Contracting Party.

Article 9

Exceptions

Based on the joint application of the employee and the employer or the application of a self-employed person, the competent authorities of the state of both Contracting Parties and the competent institutions designated by these authorities may establish exceptions to the provisions of Section II of this Agreement by mutual agreement.

SECTION III

PROVISIONS REGARDING PENSIONS

Article 10

Consolidation of social insurance (labor) internships

1. If the social insurance (labour) experience gained under the legislation of one Contracting Party state is not sufficient to establish the right to a pension, the competent institution of the State of that Contracting Party shall establish a social insurance (labour) agreement with the third state of the other Contracting Party, as well as the Contracting Party that determines the pension.), if there is an international agreement in the field of pension (social) provision, which provides for the consolidation of seniority, it takes into account the social insurance (labor) seniority earned in accordance with the legislation of that state.

2. If, according to the legislation of the state of one Contracting Party, the right to pension is determined in connection with working in special professions, specialized fields, working conditions and organizations, similar periods of activity in the territory of the state of the other Contracting Party are not considered as identical periods of activity in the territory of the state of the first Contracting Party, but these periods combined as social insurance (labor) seniority on a general basis.

3. In accordance with paragraphs 1 and 2 of this article, overlapping social insurance (labor) years are not combined in determining the right to pension.

Article 11

Determination of pensions

1. If, according to the legislation of the state of one Contracting Party, the right to pension arises without taking into account the social insurance (labor) length of service gained under the legislation of the state of the other Contracting Party, the authorized institution of the state of the first Contracting Party determines the pension based on its social insurance (labor) length of service (calculates).

2. If the right to a pension arises as a result of combining the social insurance (labor) years in accordance with Article 10, Clause 1 of this Agreement, the competent institutions of the States of the Contracting Parties determine (calculate) the pension proportionally based on their social insurance (labor) years.

3. If the social insurance (labour) period earned according to the legislation of the state of a Contracting Party is less than 12 (twelve) months and does not create any right to a pension, the competent institution of the state of that Contracting Party shall not assign a pension. This period is taken into account for the determination (calculation) of pensions by the competent institution of the state of the other Contracting Party.

Article 12

Special provisions related to the Republic of Azerbaijan

This Agreement does not apply to the right of military servicemen and persons equivalent to them, their family members, as well as other categories of persons and their family members whose special pension provisions are defined by the legislation of the Republic of Azerbaijan, to pension supplements based on years of service.

Article 13

Special provisions for the Republic of Bulgaria

With the exception of military disability and civilian disability pensions, pensions not related to labor activity are established and paid if the person resides in the territory of the Republic of Bulgaria in accordance with the legislation of the Republic of Bulgaria and does not receive a pension under the legislation of the state of the other Contracting Party.

SECTION IV

OTHER PROVISIONS

Article 14

Administrative Agreement

1. For the implementation of this Agreement, the competent authorities shall sign an Administrative Agreement on its implementation.
2. The competent authorities of the States of the Contracting Party are defined in the Administrative Agreement.

Article 15

Information sharing and mutual assistance

1. The competent authorities and authorized institutions of the states of the Contracting Parties directly exchange information within the scope of their respective powers and assist each other in the implementation of this Agreement.
2. The competent authority of the state of one Contracting Party recognizes the documents issued by the competent authority of the state of the other Contracting Party. Nevertheless, decisions on the determination of the degree of loss of working capacity, the group of disability and the causes are made by the competent institution of the state of the Contracting Party that determines the pension. Medical examination and re-examination to determine the degree of loss of working capacity, disability group and cause are carried out at the place of residence of citizens. In this case, reports or references and medical opinions issued by the relevant organization of the state of the other Contracting Party are not taken into account.
3. The services (assistance) specified in this article are mutually provided without payment.

Article 16

Confidentiality of information exchanged

Any information about persons exchanged between the competent authorities and competent institutions of the States of the Contracting Parties shall be confidential and may be used only for the purpose of implementing this Agreement. The protection of the confidentiality of the information obtained by the state of a Contracting Party is carried out in accordance with the laws and regulations existing in the field of protection of privacy and confidentiality of personal data of the state of that Contracting Party.

Article 17

Exemption from fees and approval of documents

1. If in the legislation of the State of the Contracting Party any document presented to the competent authorities or authorized institutions of the State of that Contracting Party is fully or partially exempted from fees and payments, such exemption shall be granted to the competent authority or authorized body of the State of the other Contracting Party in connection with the application of this Agreement. also applies to the relevant documents submitted to the institution.

2. Copies of documents certified by the competent authority of the state of one Contracting Party are accepted as true and authentic copies without additional certification by the competent authority of the state of the other Contracting Party.

Article 18

Use of languages

1. For the implementation of this Agreement, the competent authorities and competent institutions of the states of the Contracting Parties communicate with each other and with citizens, regardless of their place of residence, in the official language of any Contracting Party or in English.

2. The fact that applications and documents are drawn up in the official language of the state of the other Contracting Party or in English cannot be the only reason for their rejection.

Article 19

Applications for pension designation

1. A written application submitted to the competent institution of the state of one Contracting Party for the appointment of a pension shall be considered as an application submitted in accordance with the legislation of the state of the other Contracting Party in the following cases:

- a) when the applicant requests consideration of his application based on the legislation of the state of the other Contracting Party; or
- b) when providing information on earning social insurance (labor) seniority according to the legislation of the state of the other Contracting Party.

2. The applicant must ensure that the pension application submitted to the competent institution of the state of one Contracting Party is not considered according to the legislation of the state of the other Contracting Party or that the application is valid in the state of that Contracting Party from another date in accordance with the limitations and conditions provided for in the legislation of the state of the other Contracting Party. may require.

Article 20

Complaints

A written appeal against the decision of the competent authority of one Contracting Party may be submitted to the competent authority of any Contracting Party. The complaint decision is resolved according to the procedure and legislation of the state of the Contracting Party against which the decision is appealed.

Article 21

Transmission of applications, notices and written complaints

1. In any case where the provisions of Articles 19 and 20 of this Agreement are applied, the competent body to which the application, notification and written complaint is submitted shall mark the date of its receipt on the document and send it without delay to the competent body of the state of the other Contracting Party.

2. Any application, notice and written complaint that should be submitted to the competent authority of the state of that Contracting Party within the period determined by the legislation of the state of one Contracting Party is considered to have been submitted in time if it has been submitted to the competent authority of the state of the other Contracting Party during that period.

Article 22

Transfer of pensions

1. According to this Agreement, the payment of pensions is made directly to the bank account of the beneficiaries in freely convertible currency. The authorized body of the State of the Contracting Party, which carries out the pension payment, shall bear the expenses related to sending the pensions only to the beneficiary bank.

2. Pension payment procedures are determined by the Administrative Agreement.

Article 23

Funds already paid

1. The competent authorities of the states of the Contracting Parties shall work to resolve possible cases of overpayment to the persons to whom this Agreement applies by mutual agreement.

2. The procedures related to the application of paragraph 1 of this article are determined by the Administrative Agreement.

Article 24

Settlement of disputes

1. Disputes arising during the implementation of this Agreement are resolved through negotiations and consultations between the competent authorities of the States of the Contracting Parties.

2. Disputes not resolved in accordance with paragraph 1 of this article shall be resolved between the Contracting Parties.

SECTION V

TRANSITIONAL AND FINAL PROVISIONS

Article 25

Transitional provisions

1. This Agreement does not create any pension rights for any period prior to the date of its entry into force.

2. In accordance with the provisions of paragraph 1 of this article, any social insurance (labor) seniority earned before the date of entry into force of this Agreement shall not be taken into account in determining the pension right under this Agreement.

3. Decisions regarding the right to pension made before the entry into force of this Agreement do not affect the rights arising from this Agreement.

3. When applying Article 8, Clause 1 of this Agreement in relation to persons sent on a mission to the State of the Contracting Party before the date of entry into force of this Agreement, the period of employment mentioned in that article shall be deemed to have started from the date of entry into force of this Agreement.

Article 26

Changes

1. By mutual consent of the Contracting Parties, changes may be made to this Agreement formalized in the form of protocols that are an integral part of it and entered into force in accordance with the procedures established by Article 27.

2. In the event of a change in the name of an authorized body or an authorized institution in one of the Contracting Parties, the Contracting Parties shall notify each other through diplomatic channels.

Entry into force, term and termination of the Agreement

1. This Agreement shall enter into force on the date of receipt through diplomatic channels of the last written notification by which the Contracting Parties inform each other of the completion of relevant domestic procedures for its entry into force.
2. This Agreement is concluded for an indefinite period.
3. Either Contracting Party may terminate this Agreement by giving written notice to the other Contracting Party through diplomatic channels. This Agreement shall expire 1 (one) year after the date of receipt of the written notice.
4. Termination of this Agreement does not affect the procedures established and agreed upon under this Agreement. The rights obtained by citizens under this Agreement do not lose their validity in case of its cancellation.

Signed in Baku on November 6, 2019, in two originals, in Azerbaijani, Bulgarian and English languages, all texts are equally authentic.

In case of disagreement in interpretation, the English text shall prevail.

Azerbaijan Republic

Republic of Bulgaria

On behalf of the government

On behalf of the government

(signature)

(signature)