

AGREEMENT BETWEEN
JAPAN AND THE SLOVAK REPUBLIC
ON SOCIAL SECURITY

AGREEMENT BETWEEN
JAPAN AND THE SLOVAK REPUBLIC
ON SOCIAL SECURITY

Japan and the Slovak Republic,

Being desirous of regulating their mutual relations 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) "a Contracting State" and "the other Contracting State" mean Japan or the Slovak Republic, as the context requires;
 - (b) "national" means,
 - as regards Japan,
a Japanese national within the meaning of the law on nationality of Japan,
 - as regards the Slovak Republic,
a national of the Slovak Republic;
 - (c) "legislation" means,
 - as regards Japan,
the laws and regulations of Japan concerning the Japanese pension systems specified in paragraph 1 of Article 2,
 - as regards the Slovak Republic,
the law of the Slovak Republic specified in paragraph 2 of Article 2;

- (d) "competent authority" means,
as regards Japan,
any of the Governmental organizations competent
for the Japanese pension systems specified in
paragraph 1 of Article 2,
as regards the Slovak Republic,
the Ministry of Labour, Social Affairs and Family
of the Slovak Republic;
- (e) "competent institution" means,
as regards Japan,
any of the insurance institutions, or any
association thereof, responsible for the
implementation of the Japanese pension systems
specified in paragraph 1 of Article 2,
as regards the Slovak Republic,
the institution responsible for the
implementation of the legislation of the Slovak
Republic;
- (f) "period of coverage" means,
a period of contribution under the legislation of
a Contracting State and any other period taken
into account under that legislation for
establishing entitlement to benefits; and
- (g) "benefit" means,
a pension or any other cash benefit under the
legislation of a Contracting State.

2. For the purpose of this Agreement, any term not defined in this Agreement shall have the meaning assigned to it under the applicable legislation of the respective Contracting States.

3. The headings of Parts, Chapters and Articles of this Agreement are inserted for convenience of reference only and shall not affect the interpretation of this Agreement.

Article 2
Matters Covered

This Agreement shall apply,

1. as regards Japan, to the following Japanese pension systems:

- (a) the National Pension (except the National Pension Fund); and
- (b) the Employees' Pension Insurance (except the Employees' Pension Fund);

however, for the purpose of this Agreement, the National Pension shall not include the Old Age Welfare Pension or any other pensions which are granted on a transitional or complementary basis for the purpose of welfare and which are payable wholly or mainly out of national budgetary resources; and

2. as regards the Slovak Republic:

- (a) to the Act on Social Insurance, Sections pertaining to pension benefits (old-age benefits, early retirement benefits, disability benefits, widows and widowers benefits, orphans benefits and the equalizing supplement); and
- (b) with regard to the Part II and relevant provisions of this Agreement, to the Act on Social Insurance, Sections pertaining to participation in Social Insurance.

3. This Agreement shall also apply to all amendments to the legislations of both Contracting States insofar as they do not modify substantially the scope of the systems regulated or implemented by those prior to such amendments.

Article 3
Persons Covered

This Agreement shall apply to a person who is or has been subject to the legislation of a Contracting State, as well as family members or survivors who derive rights from such person.

Article 4
Equality of Treatment

Unless otherwise provided in this Agreement, the persons specified in Article 3, who ordinarily reside in the territory of a Contracting State, shall receive equal treatment with nationals of that Contracting State in the application of the legislation of that Contracting State.

Article 5
Payment of Benefits Abroad

1. Unless otherwise provided in this Agreement, any provision of the legislation of a Contracting State which restricts entitlement to or payment of benefits solely because the person ordinarily resides outside or is absent from the territory of that Contracting State shall not be applicable to persons who ordinarily reside in the territory of the other Contracting State.

2. Benefits under the legislation of a Contracting State shall be paid to the persons specified in Article 3, who ordinarily reside in the territory of a third country, under the same conditions as if they were nationals of that Contracting State.

PART II
PROVISIONS CONCERNING
THE APPLICABLE LEGISLATION

Article 6
General Provisions

Unless otherwise provided in this Agreement, a person who works as an employee or a self-employed person in the territory of a Contracting State shall, with respect to that work or self-employed activity, be subject only to the legislation of that Contracting State.

Article 7
Special Provisions

1. Where an employee who is covered under the legislation of a Contracting State and employed in the territory of that Contracting State by an employer with a place of business in that territory is sent by that employer, either from that territory or from a territory of a third country, to work in the territory of the other Contracting State and:

- (a) does not conclude an employment contract in the territory of that other Contracting State; or
- (b) concludes an employment contract with an employer with a place of business in the territory of that other Contracting State, but is under the direction of the employer with a place of business in the territory of the first Contracting State,

that employee shall be subject only to the legislation of the first Contracting State, with respect to that work, until the expiration of a period of five years from the date that employee is sent, as if that employee were working in the territory of the first Contracting State.

2. If the detachment referred to in paragraph 1 of this Article continues beyond five years, the competent authorities or the competent institutions of both Contracting States may agree that the employee remains subject only to the legislation of the first Contracting State for a period not exceeding three years.

3. Where a person, who is covered under the legislation of a Contracting State and who ordinarily works as a self-employed person in the territory of that Contracting State, works temporarily as a self-employed person only in the territory of the other Contracting State, that person shall be subject only to the legislation of the first Contracting State until the expiration of a period of five years from the beginning of the self-employed activity in the territory of the other Contracting State, as if that person were working in the territory of the first Contracting State.

4. If the self-employed activity in the territory of the other Contracting State referred to in paragraph 3 of this Article continues beyond five years, the competent authorities or the competent institutions of both Contracting States may agree that the self-employed person remains subject only to the legislation of the first Contracting State for a period not exceeding three years.

Article 8 Persons Working on Board a Sea-Going Vessel

A person who works on board a sea-going vessel flying the flag of a Contracting State shall be subject only to:

- (a) In cases in which the person is an employee, the legislation of the Contracting State in whose territory the employer is located;

- (b) In cases in which the person is a self-employed person, the legislation of the Contracting State in whose territory that person ordinarily resides.

Article 9
Members of Diplomatic Missions,
Members of Consular Posts and Civil Servants

1. Nothing in this Agreement shall affect the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961, or of the Vienna Convention on Consular Relations of April 24, 1963.

2. Subject to paragraph 1 of this Article, where any civil servant of a Contracting State or any person treated as such in the legislation of that Contracting State is sent to work in the territory of the other Contracting State, that person shall be subject only to the legislation of the first Contracting State as if that person were working in the territory of the first Contracting State.

Article 10
Exceptions to Articles 6 to 9

At the request of an employee and an employer or a self-employed person, the competent authorities or the competent institutions of both Contracting States may agree to grant an exception to Articles 6 to 9 in the interest of particular persons or categories of persons, provided that such persons or categories of persons shall be subject to the legislation of one of the Contracting States.

Article 11
Spouse and Children

While a person works in the territory of Japan and is subject only to the legislation of the Slovak Republic in accordance with Article 7, paragraph 2 of Article 9 or Article 10, the spouse or children coming with that person shall be exempted from the legislation of Japan concerning the Japanese pension system specified in paragraph 1(a) of Article 2, provided that the requirements specified in the legislation of Japan concerning the enforcement of the agreements on social security are fulfilled. However, when those spouse or children so request, the foregoing shall not apply.

Article 12
Certification of Coverage

The liaison agency designated by the competent authority of a Contracting State in accordance with the provisions of paragraph 1(b) of Article 21 shall certify, at the request of an employee and an employer or a self-employed person, that the employee or self-employed person is subject to the legislation of that Contracting State.

Article 13
Compulsory Coverage

Articles 6 to 8, paragraph 2 of Article 9 and Article 11 shall apply only to compulsory coverage under the legislation of each Contracting State.

PART III
PROVISIONS CONCERNING BENEFITS

Chapter 1
Provisions concerning Japanese Benefits

Article 14
Totalization

1. Where a person does not have sufficient periods of coverage to fulfill the requirement for entitlement to Japanese benefits, the competent institution of Japan shall take into account, for the purpose of establishing entitlement to those benefits under this Article, the periods of coverage under the legislation of the Slovak Republic insofar as they do not coincide with the periods of coverage under the legislation of Japan.

However, the foregoing shall not apply to lump-sum payments under the Japanese pension systems specified in paragraph 1 of Article 2 on account of death or withdrawal.

2. In applying paragraph 1 of this Article, the periods of coverage under the legislation of the Slovak Republic shall be taken into account as periods of coverage under the Employees' Pension Insurance and as corresponding periods of coverage under the National Pension.

Article 15
Special Provisions concerning Disability Benefits
and Survivors' Benefits

1. Where the legislation of Japan requires for entitlement to disability benefits or survivors' benefits (except lump-sum payments under the Japanese pension systems specified in paragraph 1 of Article 2 on account of death) that the date of the first medical examination or of death lies within specified periods of coverage, this requirement shall be deemed to be fulfilled for the purpose of establishing entitlement to those benefits if such a date lies within the periods of coverage under the legislation of the Slovak Republic.

However, if entitlement to disability benefits or survivors' benefits (except lump-sum payments under the Japanese pension systems specified in paragraph 1 of Article 2 on account of death) under the National Pension is established without applying this Article, this Article shall not be applied for the purpose of establishing entitlement to disability benefits or survivors' benefits (except lump-sum payments under the Japanese pension systems specified in paragraph 1 of Article 2 on account of death) based on the same insured event under the Employees' Pension Insurance.

2. Paragraph 1 of Article 5 shall not affect the provisions of the legislation of Japan which require a person who is aged 60 or over but under 65 on the date of the first medical examination or of the death to reside ordinarily in the territory of Japan for the acquisition of entitlement to the Disability Basic Pension or the Survivors' Basic Pension.

Article 16
Calculation of the Amount of Benefits

1. Where entitlement to a Japanese benefit is established by virtue of paragraph 1 of Article 14 or paragraph 1 of Article 15, the competent institution of Japan shall calculate the amount of that benefit in accordance with the legislation of Japan, subject to paragraphs 2 to 4 of this Article.

2. With regard to the Disability Basic Pension and other benefits, the amount of which is a fixed sum granted regardless of the period of coverage, if the requirements for receiving such benefits are fulfilled by virtue of paragraph 1 of Article 14 or paragraph 1 of Article 15, the amount to be granted shall be calculated according to the proportion of the sum of the periods of contribution and the premium-exempted periods under the pension system from which such benefits will be paid to the sum of those periods of contribution, those premium-exempted periods and the periods of coverage under the legislation of the Slovak Republic.

3. With regard to disability benefits and survivors' benefits under the Employees' Pension Insurance, insofar as the amount of those benefits to be granted is calculated on the basis of the specified period determined by the legislation of Japan when the periods of coverage under the Employees' Pension Insurance are less than that specified period, if the requirements for receiving such benefits are fulfilled by virtue of paragraph 1 of Article 14 or paragraph 1 of Article 15, the amount to be granted shall be calculated according to the proportion of the periods of coverage under the Employees' Pension Insurance to the sum of the periods of coverage and the periods of coverage under the legislation of the Slovak Republic. However, when the sum of the periods of coverage exceeds that specified period, that sum of the periods of coverage shall be regarded as equal to that specified period.

4. With regard to the Additional Pension for Spouses which is included in the Old-age Employees' Pension and any other benefits that may be granted as a fixed sum in cases where the periods of coverage under the Employees' Pension Insurance equal or exceed the specified period determined by the legislation of Japan, if the requirements for receiving such benefits are fulfilled by virtue of paragraph 1 of Article 14, the amount to be granted shall be calculated according to the proportion of the periods of coverage under the Employees' Pension Insurance to that specified period.

Article 17
Exception to Article 4

Article 4 shall not affect the provisions on complementary periods for Japanese nationals on the basis of ordinary residence outside the territory of Japan under the legislation of Japan.

Chapter 2
Provisions concerning Slovak Benefits

Article 18
Totalization of Periods of Coverage

When periods of coverage have been completed under the legislation of both Contracting States, the competent institution of the Slovak Republic shall, in determining eligibility for benefits under the legislation of the Slovak Republic, take into account also periods of coverage under the legislation of Japan insofar as they do not overlap with periods of coverage under the legislation of the Slovak Republic unless otherwise provided in this Agreement.

Article 19
Calculation of Benefits

1. If the conditions for entitlement to benefits under the legislation of the Slovak Republic are satisfied without applying the provisions of Article 18, the competent institution of the Slovak Republic shall determine the benefits on the basis of the periods of coverage completed exclusively under its legislation.

2. If the right to benefits under the legislation of the Slovak Republic can be acquired only after applying the provisions of Article 18, the competent institution of the Slovak Republic shall:

- (a) calculate the theoretical amount of the benefit which could have been claimed, provided that all periods of coverage had been completed exclusively under the legislation of the Slovak Republic; and
- (b) then, on the basis of the theoretical amount calculated in accordance with subparagraph (a) of this paragraph, determine the amount of the benefit payable by applying the ratio of the duration of the periods of coverage completed under the legislation of the Slovak Republic to the total periods of coverage referred to in subparagraph (a).

3. For calculation of the benefit, the competent institution of the Slovak Republic shall take into account only the income earned during the periods of coverage completed under the legislation of the Slovak Republic.

4. If the competent institution of the Slovak Republic can calculate the amount of benefit only with respect to periods of coverage obtained according to the legislation of the Slovak Republic, the provisions of paragraph 2 of this Article shall not be applied.

Article 20
Special Provision

A person whose disability began while he or she was a dependent or a regular doctoral studies student under age of 26, and whose disability claim is established without the requirement that he or she performs work activity to obtain periods of coverage, may establish eligibility for disability benefits under the legislation of the Slovak Republic on the condition that such person permanently resides in the territory of the Slovak Republic.

PART IV
MISCELLANEOUS PROVISIONS

Article 21
Administrative Collaboration

1. The competent authorities of both Contracting States shall:

- (a) agree on the administrative arrangements necessary for the implementation of this Agreement;
- (b) designate liaison agencies for the implementation of this Agreement; and
- (c) communicate to each other, as soon as possible, all information about changes to their respective legislation insofar as those changes affect the implementation of this Agreement.

2. The competent authorities and competent institutions of both Contracting States, within the scope of their respective authorities, shall provide any assistance necessary for the implementation of this Agreement. This assistance shall be provided free of charge.

Article 22
Transmission and Confidentiality of Information

1. The competent authorities or competent institutions of a Contracting State shall, in accordance with its laws and regulations, transmit to the competent authorities or competent institutions of the other Contracting State information about an individual collected under the legislation of that Contracting State insofar as that information is necessary for the implementation of this Agreement. Unless otherwise required by the laws and regulations of that other Contracting State, that information shall be used exclusively for the purpose of implementing this Agreement.

2. Upon the request of a competent authority or competent institution of a Contracting State, the competent authorities or competent institutions of the other Contracting State may transmit, in accordance with the legislation and other relevant laws and regulations of that other Contracting State, information about an individual other than that referred to in paragraph 1 of this Article collected under the legislation of that other Contracting State to the competent authorities or competent institutions of the first Contracting State insofar as it is necessary for the implementation of the legislation of that Contracting State. Unless otherwise required by the laws and regulations of the first Contracting State, that information shall be used exclusively for the purpose of implementing that legislation of that Contracting State.

3. Information referred to in paragraph 1 and 2 of this Article received by a Contracting State shall be governed by the laws and regulations of that Contracting State for the protection of confidentiality of personal data.

Article 23
Charges or Fees and Legalization

1. Insofar as the legislation and other relevant laws and regulations of a Contracting State contain provisions on an exemption or reduction of administrative charges or consular fees for documents to be submitted under the legislation of that Contracting State, those provisions shall also apply to documents to be submitted in the application of this Agreement and the legislation of the other Contracting State.

2. Documents which are presented for the purpose of this Agreement and the legislation of a Contracting State shall not require legalization or any other similar formality by diplomatic or consular authorities.

Article 24
Languages of Communication

1. In implementing this Agreement, the competent authorities and competent institutions of a Contracting State may not reject applications or any other documents for the reason that they are written in Japanese, Slovak or English language.

2. The competent authorities and competent institutions of the Contracting States may communicate directly with each other and with any concerned person wherever the person may reside whenever it is necessary to do so for the application of this Agreement or the legislation to which this Agreement applies. The communication may be in Japanese, Slovak or English language.

Article 25
Submission of Applications, Appeals and Declarations

1. When a written application for benefits, an appeal or any other declaration under the legislation of a Contracting State is submitted to a competent authority or competent institution of the other Contracting State which is competent to receive similar applications, appeals or declarations under the legislation of that other Contracting State, that application for benefits, appeal or declaration shall be deemed to be submitted on the same date to the competent authority or competent institution of the first Contracting State and shall be dealt with, according to the procedure and legislation of the first Contracting State.

2. The competent authority or competent institution of a Contracting State shall send the application for benefits, appeal or any other declaration submitted in accordance with paragraph 1 of this Article to the competent authority or competent institution of the other Contracting State without delay.

Article 26
Payment of Benefits

1. Payments of benefits under this Agreement may be made in the currency of either Contracting State.

2. In case provisions for restricting the exchange of currencies or remittance are introduced by either Contracting State, the Governments of the Contracting States shall immediately consult on the measures necessary to ensure the payments of benefits by that Contracting State under this Agreement.

Article 27
Resolution of Disagreement

Any disagreement regarding the interpretation or application of this Agreement shall be resolved by consultation between the relevant authorities of the Contracting States.

PART V
TRANSITIONAL AND FINAL PROVISIONS

Article 28
Transitional Provisions

1. This Agreement shall not establish any entitlement to benefits for any period prior to its entry into force.

2. In the implementation of this Agreement, periods of coverage completed before its entry into force as well as other legally relevant events occurring before its entry into force shall also be taken into account.

3. Decisions made before the entry into force of this Agreement shall not affect any rights to be established by virtue of this Agreement.

4. The application of this Agreement shall not, for a beneficiary, result in any reduction in the amount of benefits to which entitlement was established before the entry into force of this Agreement.

5. In applying paragraph 1 or 3 of Article 7, in the case of a person who has been working in the territory of a Contracting State prior to the entry into force of this Agreement, the period of detachment or self-employed activity referred to in paragraph 1 or 3 of Article 7 shall be considered to begin on the date of entry into force of this Agreement.

Article 29
Entry into Force

This Agreement shall enter into force on the first day of the third month following the month in which the Contracting States shall have completed an exchange of diplomatic notes informing each other that their respective constitutional requirements necessary for the entry into force of this Agreement have been fulfilled.

Article 30
Duration and Termination

1. This Agreement shall remain in force for an indefinite period. Either Contracting State may give to the other Contracting State, through diplomatic channels, written notice of termination of this Agreement. In that event, this Agreement shall remain in force until the last day of the twelfth month following the month in which the termination was notified.

2. If this Agreement is terminated in accordance with paragraph 1 of this Article, rights regarding entitlement to and payment of benefits acquired under this Agreement shall be retained, in respect of a person who submits an application for those benefits and who fulfills the requirements for entitlement to those benefits prior to the date of termination.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

Done in duplicate at Bratislava, this thirtieth day of January, 2017 in the Japanese, Slovak and English languages, each text being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For Japan:

新美 潤

For the Slovak Republic:

Richter