

SOCIAL SECURITY

**Agreement Between the
UNITED STATES OF AMERICA
and SLOVENIA**

Signed at Ljubljana January 17, 2017

with

Administrative Arrangement



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

SLOVENIA

Social Security

*Agreement signed at Ljubljana January 17, 2017;
Entered into force February 1, 2019;
With administrative arrangement.*

**AGREEMENT ON SOCIAL SECURITY
BETWEEN
THE UNITED STATES OF AMERICA
AND
THE REPUBLIC OF SLOVENIA**

The United States of America and

The Republic of Slovenia (hereinafter individually known as
“Contracting State” or collectively as “Contracting States”),

Being desirous of regulating the relationship between the two countries in
the field of social security,

have agreed as follows:

PART I
General Provisions

Article 1
Definitions

1. For the purposes of the Agreement on Social Security between the United States of America and the Republic of Slovenia (hereinafter “Agreement”):
 - (a) “National” means,
 - as regards the United States, a national of the United States as defined in Section 101, Immigration and Nationality Act, as amended, and
 - as regards the Republic of Slovenia, a national of the Republic of Slovenia as defined in the Citizenship of the Republic of Slovenia Act, as amended;
 - (b) “Laws” means the laws and regulations specified in Article 2 of this Agreement;

(c) “Competent Authority” means,

as regards the United States, the Commissioner of Social Security, and

as regards the Republic of Slovenia, the competent ministries with the powers conferred by the legislative acts defined in Article 2 of this Agreement;

(d) “Agency” means,

as regards the United States, the Social Security Administration, and

as regards the Republic of Slovenia, the institutions, funds and bodies, responsible for the implementation of the Laws defined in Article 2, Paragraph 1, subparagraph b of this Agreement;

(e) “Period of Coverage” means a period of payment of contributions or a period of earnings from employment or self-employment, as defined or recognized as a period of coverage by the Laws under which such period has been completed, or any similar period in-so-far as it is recognized by such Laws as equivalent to a period of coverage;

(f) “Benefit” means any benefit provided for in the Laws specified in Article 2 of this Agreement;

(g) “Personal Data” means any information relating to a specific (identified or identifiable) person, as well as any information that can be used to distinguish or trace an individual’s identity. This includes, but is not limited to, the following: any individual identifier; citizenship, nationality, statelessness, or refugee status; benefits, eligibility, or other claims information; contact information; medical information or lay

information used in a medical determination; information about marital, familial, or personal relationships; and information pertaining to work, financial, or economic status; and

(h) "Liaison Agencies" means institutions authorized to route inquiries and correspondence for effective implementation of this Agreement.

2. Any term not defined in this Article shall have the meaning assigned to it in the applicable Laws.

Article 2 Material Scope

1. For the purposes of this Agreement, the applicable Laws are:

(a) as regards the United States, the laws governing the Federal old-age, survivors, and disability insurance program:

(i) Title II of the Social Security Act and regulations pertaining thereto, except sections 226, 226A, and 228 of that title, and regulations pertaining to those sections, and

(ii) Chapters 2 and 21 of the Internal Revenue Code of 1986 and regulations pertaining to those chapters; and

(b) as regards the Republic of Slovenia:

(i) the laws governing pension and disability insurance, except the provisions on residual working capacity, and

(ii) with regard to Part II of this Agreement only, the laws of the Republic of Slovenia governing the compulsory participation in social insurance system.

2. Unless otherwise provided in this Agreement, the Laws referred to in paragraph 1 of this Article shall not include treaties or other international agreements or supranational legislation on Social Security concluded between one Contracting State and a third State, or laws or regulations promulgated for their specific implementation.
3. No provision in this Agreement shall affect the obligation of either Contracting State's social security agreements or any other international agreements by which either Contracting State is bound.
4. Except as provided in the following sentence, this Agreement shall also apply to laws and regulations that amend or supplement the Laws specified in paragraph 1 of this Article. This Agreement shall apply to future laws and regulations of a Contracting State which create new categories of beneficiaries or new Benefits under the Laws of that Contracting State unless the Competent Authority of that Contracting State notifies the Competent Authority of the other Contracting State in writing within three (3) months of the date of the official publication of the new laws or regulations that no such extension of this Agreement is intended.

Article 3 Personal Scope

This Agreement shall apply:

- (a) to any person who is or has been subject to the Laws of either Contracting State, and
- (b) to the dependents and survivors of a person described in subparagraph (a) of this Article within the meaning of the applicable Laws of either Contracting State.

Article 4
Equality of Treatment and Portability of Benefits

1. Unless otherwise provided in this Agreement, persons described in Article 3 of this Agreement who reside in the territory of one Contracting State shall receive equal treatment with Nationals of the second Contracting State in the application of the Laws of the second Contracting State.

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

PART II
Provisions Concerning Applicable Laws

Article 5
Coverage Provisions

1. Except as otherwise provided in this Article, a person employed or self-employed within the territory of one of the Contracting States, with respect to that employment or self-employment, shall be subject to the Laws of only that Contracting State.

2. Where a person who is normally employed in the territory of one Contracting State by an employer in that territory is sent by that employer to the territory of the other Contracting State for a temporary period that is not expected to exceed five (5) years, the person shall be subject to the Laws of only the first Contracting State as if the person were employed in the territory of the first Contracting State.

3. For purposes of applying paragraph 2 of this Article in the case of an employee who is sent from the territory of the United States by an employer in that territory to the territory of the Republic of Slovenia, that employer and an affiliated company of the employer (as defined under the laws of the United States) shall be considered one and the same, provided that the employment would have been covered under United States Laws absent this Agreement.
4. Paragraphs 2 and 3 of this Article shall apply where a person who has been sent by his or her employer from the territory of a Contracting State to the territory of a third State, and who is compulsorily covered under the Laws of that Contracting State while employed in the territory of the third State, is subsequently sent by that employer from the territory of the third State to the territory of the other Contracting State.
5. A person who is normally self-employed in the territory of one Contracting State, and who temporarily transfers his or her self-employment activity to the territory of the other Contracting State shall be subject to the Laws of only the first Contracting State, provided that the period of self-employment activity in the territory of the other Contracting State is not expected to exceed five (5) years.
6.
 - (a) A person who is employed as an officer or member of a crew on a vessel which flies the flag of one Contracting State and who would be covered under the Laws of both Contracting States shall be subject to the Laws of only the Contracting State whose flag the vessel flies. For purposes of the preceding sentence, a vessel which flies the flag of the United States is one defined as an American vessel under the Laws of the United States.
 - (b) Traveling employees of air transportation companies who perform work in the territories of both Contracting States and who would otherwise be covered under the Laws of both Contracting States shall, with respect to that work, be subject to the Laws of only the Contracting State in the territory of

which the company has its headquarters. However, if such employees reside in the territory of the other Contracting State, they shall be subject to the Laws of only that Contracting State.

7. (a) This Agreement shall not 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.
 - (b) Nationals of one of the Contracting States who are employed by the Government of that Contracting State in the territory of the other Contracting State but who are not exempt from the Laws of the other Contracting State by virtue of the Vienna Conventions mentioned in subparagraph (a) of this paragraph shall be subject to the Laws of only the first Contracting State. For the purpose of this paragraph, employment by the United States Government includes employment by an instrumentality thereof.
8. The Competent Authorities of the two Contracting States may agree to grant an exception to the provisions of this Article with respect to particular persons or categories of persons, provided that any affected person shall be subject to the Laws of one of the Contracting States.

PART III Provisions on Benefits

Article 6 United States Benefits

1. Where a person has completed at least six (6) quarters of coverage under United States Laws, but does not have sufficient Periods of Coverage to satisfy the requirements for entitlement to Benefits under United States Laws, the Agency of the United States shall take into account, for the purpose of establishing entitlement to Benefits

under this Article, Periods of Coverage which are credited under Republic of Slovenia Laws and which do not coincide with Periods of Coverage already credited under United States Laws.

2. In determining eligibility for Benefits under paragraph 1 of this Article, the Agency of the United States shall credit one (1) quarter of coverage for every ninety (90) days of coverage certified by the Agency of the Republic of Slovenia. The total number of quarters of coverage to be credited for a year shall not exceed four (4).
3. Where it is not possible to determine the calendar quarter during which a specific Period of Coverage was completed under the Laws of the United States, the United States Agency will presume that the Period of Coverage does not coincide with a Period of Coverage completed in the Republic of Slovenia.
4. The Agency of the United States shall not take into account Periods of Coverage that occurred prior to the earliest date for which Periods of Coverage may be credited under its Laws, nor will the Agency of the United States take into account any Periods of Coverage that are not based on paid contributions.
5. Where entitlement to a Benefit under United States Laws is established according to the provisions of paragraph 1 of this Article, the Agency of the United States shall compute a pro rata Primary Insurance Amount in accordance with United States Laws based on
 - (a) the person's average earnings credited exclusively under United States Laws and
 - (b) the ratio of the duration of the person's Periods of Coverage completed under United States Laws to the duration of a coverage lifetime as determined in accordance with United States Laws.

Benefits payable under United States Laws shall be based on the pro rata Primary Insurance Amount.

6. Entitlement to a Benefit from the United States that results from paragraph 1 of this Article shall terminate with the acquisition of sufficient Periods of Coverage under United States Laws to establish entitlement to an equal or higher Benefit without the need to invoke the provision of paragraph 1 of this Article.
7. Article 4 of this Agreement shall be applied by the United States in a manner consistent with section 233(c)(4) of the United States Social Security Act.

Article 7
Republic of Slovenia Benefits

1. Where the requirements for entitlement to Benefits under Republic of Slovenia Laws are satisfied without the Periods of Coverage under United States Laws, the Republic of Slovenia Agency shall provide Benefits for the Periods of Coverage exclusively completed under Republic of Slovenia Laws.
2. Where the requirements for entitlements to Benefits under Republic of Slovenia Laws are not satisfied on the basis of Periods of Coverage completed under Republic of Slovenia Laws alone, the Republic of Slovenia Agency shall take into account, for the purpose of establishing entitlements to Benefits, Periods of Coverage which are credited under United States Laws and do not coincide with Periods of Coverage credited under Republic of Slovenia Laws.
3. Where entitlement requirements under paragraph 2 of this Article are not satisfied, the Republic of Slovenia Agency shall also take into account the periods completed under the Laws of third countries with which the Republic of Slovenia has concluded international Social Security Agreements with provisions on the totalization of periods.

4. When entitlement to Benefits is established through procedures referred to in paragraphs 2 and 3 of this Article, the Republic of Slovenia Agency shall calculate the Benefit amount as follows:
 - (a) First, a theoretical amount of the Benefit which would be paid if all the totalized Periods of Coverage were completed under Republic of Slovenia Laws, is calculated.
 - (b) The theoretical amount is then used for the calculation of the actual amount of the Benefit to be paid in the proportional relation to the Period of Coverage completed under Republic of Slovenia Laws and other Periods of Coverage used for the purposes of totalization.
 - (c) The calculation of the theoretical amount of the Benefit referred to in subparagraph (a) of this paragraph for the purposes of the determination of the Benefit shall only take into account Periods of Coverage completed under the Republic of Slovenia Laws.
5. When establishing the entitlement to Benefits referred to in paragraphs 2 and 3 of this Article, the Republic of Slovenia Agency shall equal each quarter reported by the United States Agency to a Period of Coverage of three (3) months.
6. Where the total Periods of Coverage completed under Republic of Slovenia Laws amount to less than twelve (12) months, the Benefit shall not be granted. This provision does not apply if – under Republic of Slovenia Laws – the entitlement to Benefit exists solely on the basis of such a short Period of Coverage.
7. Assistance and Attendance Allowance, Disability Allowance, Residual Working Capacity Benefit or any other noncontributory benefit which is not exportable under Republic of Slovenia Laws, shall be paid as long as the beneficiary resides in the territory of the Republic of Slovenia.

PART IV
Miscellaneous Provisions

Article 8
Administrative Arrangements

The Contracting States shall:

- (a) make all necessary administrative arrangements for the implementation of this Agreement and designate Liaison Agencies;
- (b) communicate to each other information concerning the measures taken for the application of this Agreement; and
- (c) communicate to each other, as soon as possible, information concerning all changes in their respective Laws which may affect the application of this Agreement.

Article 9
Mutual Assistance

The Competent Authorities and the Agencies of the Contracting States, within the scope of their respective authorities, shall assist each other in implementing this Agreement. This assistance shall be free of charge, subject to exceptions to be agreed upon in an administrative arrangement.

Article 10
Confidentiality of Exchanged Personal Data

1. Unless otherwise required by the national statutes of a Contracting State, Personal Data transmitted in accordance with this Agreement to one Contracting State by the other Contracting State shall be used exclusively for purposes of administering this Agreement and the Laws referred to in Article 2 of this Agreement. The receiving Contracting State's national statutes for the protection of privacy and confidentiality of Personal Data, and the provisions of this Agreement generally, shall govern such use.

2. The Competent Authorities of the Contracting States shall inform each other about all amendments to their national statutes regarding the protection of privacy and confidentiality of Personal Data that affect the transmission of Personal Data.
3. The Competent Authority or Agency requesting or transmitting Personal Data pursuant to this Agreement, upon request, must disclose to a person the following:
 - (a) the content of his or her Personal Data,
 - (b) the Agency receiving his or her Personal Data,
 - (c) the duration of use of his or her Personal Data, and
 - (d) the purpose and legal grounds for which his or her Personal Data were used or requested.
4. The Competent Authority or Agency transmitting Personal Data pursuant to this Agreement shall, subject to the information available to the transmitting Contracting State, take all reasonable steps to ensure that transmitted Personal Data are accurate, up to date and limited to data required to fulfill the receiving Competent Authority's or Agency's request. In accordance with its respective national statutes, the receiving Competent Authority or Agency shall correct, limit access to, or delete any inaccurate or outdated transmitted Personal Data and any data not required to fulfill the receiving Agency's request, and immediately notify the other Contracting State's Competent Authority or Agency of such correction. This shall not limit a person's right to request such correction, limitation of access, or deletion of his or her Personal Data directly from the Agencies.
5. Both the transmitting and the receiving Competent Authority or Agency shall effectively protect Personal Data against unauthorized or illegal access, alteration, or disclosure.

Article 11
Confidentiality of Exchanged Employers' Information

Unless otherwise required by the national statutes of a Contracting State, employers' information transmitted between Contracting States in accordance with this Agreement shall be used exclusively for purposes of administering this Agreement and the Laws referred to in Article 2 of this Agreement. The receiving Contracting State's national statutes for the protection and confidentiality of employers' information, and the provisions of this Agreement generally, shall govern such use.

Article 12
Documents

1. Where the Laws of a Contracting State provide that any document which is submitted to the Competent Authority or an Agency of that Contracting State shall be exempted, wholly or partly, from fees or charges, including consular and administrative fees, the exemption shall also apply to corresponding documents which are submitted to the Competent Authority or an Agency of the other Contracting State in the application of this Agreement.
2. Documents and certificates presented for purposes of this Agreement shall be exempted from requirements for authentication by diplomatic or consular authorities.
3. Copies of documents certified as true and exact copies by an Agency of one Contracting State shall be accepted as true and exact copies by an Agency of the other Contracting State, without further certification. The Agency of each Contracting State shall be the final judge of the probative value of the evidence submitted to it from whatever source.

Article 13
Correspondence and Language

1. The Competent Authorities and Agencies of the Contracting States may correspond directly with each other and with any person, wherever the person may reside, whenever it is necessary for the administration of this Agreement.
2. An application or document may not be rejected by a Competent Authority or Agency of a Contracting State solely because it is in the language of the other Contracting State. If so needed, the Contracting States may agree to exchange model letters in the English or Slovenian language.

Article 14
Applications

1. A written application for Benefits filed with an Agency of one Contracting State shall protect the rights of the claimants under the Laws of the other Contracting State if the applicant requests that it be considered an application under the Laws of the other Contracting State.
2. If an applicant has filed a written application for Benefits with an Agency of one Contracting State and has not explicitly requested that the application be restricted to Benefits under the Laws of that Contracting State, the application shall also protect the rights of the claimants under the Laws of the other Contracting State if the applicant provides information at the time of filing indicating that the person on whose record Benefits are claimed has completed Periods of Coverage under the Laws of the other Contracting State.
3. The provisions of Part III of this Agreement shall apply only to Benefits for which an application is filed on or after the date on which this Agreement enters into force.

Article 15
Appeals and Time Limits

1. A written appeal of a determination made by an Agency of one Contracting State may be validly filed with an Agency of either Contracting State. The appeal shall be decided according to the procedure and Laws of the Contracting State whose decision is being appealed.
2. Any claim, notice, or written appeal which, under the Laws of one Contracting State, must have been filed within a prescribed period with an Agency of that Contracting State, but which is instead filed within the same period with an Agency of the other Contracting State, shall be considered to have been filed on time.

Article 16
Transmittal of Claims, Notices, and Appeals

In any case to which the provisions of Article 14 or 15, or both, of this Agreement apply, the Agency to which the claim, notice, or written appeal has been submitted shall indicate the date of receipt on the document and transmit it without delay to the Liaison Agency of the other Contracting State.

Article 17
Currency

1. Payments under this Agreement may be made in the currency of the Contracting State making the payments.
2. In case provisions designed to restrict the exchange or export of currencies are introduced by either Contracting State, the Governments of both Contracting States shall immediately take measures necessary to ensure the transfer of sums owed by either Contracting State under this Agreement.

Article 18
Resolution of Disagreements

Any disagreement regarding the interpretation or application of this Agreement shall be resolved by consultation between the Competent Authorities.

Article 19
Supplementary Agreements

This Agreement may be amended by supplementary Agreements.

PART V
Transitional and Final Provisions

Article 20
Transitional Provisions

1. This Agreement shall not establish any claim to payment of a Benefit for any period before the date of entry into force of this Agreement, or to a lump sum death payment if the person died before the entry into force of this Agreement.
2. In determining the right to Benefits under this Agreement, consideration shall be given to Periods of Coverage under the Laws of both Contracting States and other events that occurred before the entry into force of this Agreement.
3. In applying paragraphs 2, 3, 4 or 5 of Article 5 of this Agreement in the case of persons who were sent to work by their employer or transferred their self-employment activity to the territory of a Contracting State prior to the date of entry into force of this Agreement, the period of employment or self-employment shall be considered to begin on the date of entry into force of this Agreement.

4. Determinations concerning entitlement to Benefits made before the entry into force of this Agreement shall not affect rights arising under it.
5. The application of this Agreement shall not result in any reduction in the amount of a Benefit to which entitlement was established prior to the entry into force of this Agreement.

Article 21
Duration and Termination

1. This Agreement shall remain in force until the expiration of one (1) calendar year following the year in which written notice of its termination is given by one of the Contracting States to the other Contracting State.
2. If this Agreement is terminated, rights regarding entitlement to or payment of Benefits acquired under it shall be retained, and any claim filed, but not adjudicated, before the termination of this Agreement shall be adjudicated in accordance with the provisions of this Agreement.

Article 22
Entry into Force

This Agreement shall enter into force on the first day of the fourth month following the date of the last note of an exchange of diplomatic notes in which the Contracting States notify each other of the completion of their respective internal procedures necessary for the entry into force of this Agreement.

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

DONE at Ljubljana this 17th day of January, 2017, in duplicate in the English and Slovenian languages, both texts being equally authentic.

FOR THE UNITED STATES
OF AMERICA:



FOR THE REPUBLIC
OF SLOVENIA:



**SPORAZUM
O SOCIALNI VARNOSTI
MED
ZDRUŽENIMI DRŽAVAMI AMERIKE
IN
REPUBLIKO SLOVENIJO**

Združene države Amerike

in Republika Slovenija

(v nadaljevanju država pogodbenica oziroma skupno državi pogodbenici)

sta se v želji, da uredita odnos med državama na področju socialne varnosti,

dogovorili:

I. DEL **Splošne določbe**

1. člen **Oprelitev izrazov**

1. V Sporazumu o socialni varnosti med Združenimi državami Amerike in Republiko Slovenijo (v nadaljevanju sporazum) izraz:

(a) "državljan" pomeni:

za Združene države državljana Združenih držav, kot je opredeljeno v 101. razdelku Zakona o priseljevanju in državljanstvu, kakor je bil spremenjen in dopolnjen, in

za Republiko Slovenijo državljana Republike Slovenije po Zakonu o državljanstvu Republike Slovenije, kakor je bil spremenjen in dopolnjen;

(b) "zakonodaja" pomeni zakone in predpise, določene v 2. členu tega sporazuma;

(c) "pristojni organ" pomeni:

za Združene države komisarja za socialno varnost in

za Republiko Slovenijo ministrstva, pristojna za zakonodajo iz 2. člena tega sporazuma;

(d) "agencija" pomeni:

za Združene države Upravo za socialno varnost in

za Republiko Slovenijo zavod, sklad ali organ, pristojen za izvajanje zakonodaje iz pododstavka b prvega odstavka 2. člena tega sporazuma;

(e) "zavarovalna doba" pomeni dobo plačevanja prispevkov ali dobo dohodkov iz zaposlitve ali samozaposlitve, kot je opredeljena ali priznana kot zavarovalna doba po zakonodaji, po kateri je bila taka doba dopolnjena, ali podobno dobo, če jo ta zakonodaja priznava kot enakovredno zavarovalni dobi;

(f) "dajatev" pomeni vsako dajatev v skladu z zakonodajo, določeno v 2. členu tega sporazuma;

(g) "osebni podatki" pomenijo podatke, ki se nanašajo na določeno ali določljivo osebo, in podatke, na podlagi katerih je mogoče razločiti posameznikovo identiteto ali ji slediti. Ti med drugim vključujejo: vse identifikacijske oznake posameznika; državljanstvo, apatridnost ali status begunca; dajatve, upravičenost ali druge podatke iz zahtevkov, podatke za stike, zdravstvene podatke ali laične podatke, ki se uporabljajo pri ugotavljanju zdravstvenega stanja; podatke o zakonskih, družinskih ali osebnih razmerjih in podatke o zaposlitvenem, finančnem ali ekonomskem položaju, in

(h) "organi za zvezo" pomenijo organe, pooblaščne za posredovanje vprašanj in korespondence za učinkovito izvajanje tega sporazuma.

2. Izrazi, ki niso opredeljeni v tem sporazumu, imajo pomen, kot ga določa ustrezna zakonodaja.

2. člen Stvarna veljavnost

1. Za namene tega sporazuma se uporablja naslednja zakonodaja:
 - (a) za Združene države zakoni, ki urejajo zvezni program starostnega zavarovanja, zavarovanja za preživele družinske člane in invalidskega zavarovanja:
 - (i) II. naslov Zakona o socialni varnosti in predpisi, ki se nanj nanašajo, razen 226., 226A in 228. razdelka tega naslova in predpisov, ki se nanje nanašajo, in
 - (ii) 2. in 21. poglavje Notranjega davčnega zakonika iz leta 1986 in predpisi, ki se nanju nanašajo, in
 - (b) za Republiko Slovenijo:
 - (i) zakoni, ki urejajo obvezno pokojninsko in invalidsko zavarovanje, razen določb, ki se nanašajo na dajatve za preostalo delovno zmožnost, in
 - (ii) samo za namen izvajanja II. dela tega sporazuma zakoni Republike Slovenije, ki urejajo obvezno vključitev v sistem socialnega zavarovanja.
2. Če sporazum ne določa drugače, zakonodaja v prvem odstavku tega člena ne zajema pogodb ali drugih mednarodnih sporazumov ali nadnacionalne zakonodaje o socialni varnosti, sklenjenih med eno izmed držav pogodbenic in tretjo državo, ali njihovih izvedbenih zakonov oziroma drugih predpisov.
3. Določbe tega sporazuma ne vplivajo na obveznosti pogodbenic na podlagi sporazumov o socialni varnosti ali drugih mednarodnih sporazumov, ki ju zavezujejo.

4. Razen v primeru iz naslednjega stavka se ta sporazum uporablja tudi za zakone in predpise, ki spreminjajo ali dopolnjujejo zakonodajo, navedeno v prvem odstavku tega člena. Sporazum se uporablja tudi za prihodnje zakone in predpise, ki določajo nove kategorije uživalcev pravic ali nove dajatve po zakonodaji te države pogodbenice, razen če pristojni organ druge države pogodbenice v treh (3) mesecih od dneva uradne objave novih zakonov ali predpisov pisno ne obvesti pristojnega organa druge države pogodbenice, da ne namerava razširiti tega sporazuma v tem smislu.

3. člen

Osebna veljavnost

Ta sporazum se uporablja:

- (a) za vse osebe, za katere velja ali je veljala zakonodaja katerekoli izmed držav pogodbenic, in
- (b) za vzdrževane in preživele družinske člane oseb, navedenih v točki (a) tega člena, v skladu z zakonodajo, ki se uporablja v katerikoli izmed držav pogodbenic.

4. člen

Enakost obravnave in prenosljivost dajatev

1. Če ta sporazum ne določa drugače, se osebe, navedene v 3. členu tega sporazuma, ki prebivajo na ozemlju ene države pogodbenice, obravnavajo enako kot državljani druge države pogodbenice pri uporabi zakonodaje druge države pogodbenice.
2. Če ta sporazum ne določa drugače, se katerekoli določbe zakonodaje države pogodbenice, ki omejujejo upravičenost do dajatev ali njihovo izplačilo zgolj zato, ker oseba ne prebiva na ozemlju te države pogodbenice ali na njem ni prisotna, ne uporabljajo za osebo, ki prebiva na ozemlju druge države pogodbenice.

II. DEL

Določbe, ki se nanašajo na zakonodajo, ki se uporablja

5. člen

Določbe o zavarovanju

1. Če ta člen ne določa drugače, se za osebo, ki je zaposlena ali samozaposlena na ozemlju ene od držav pogodbenic, v povezavi s to zaposlitvijo ali samozaposlitvijo uporablja zakonodaja zgolj te države pogodbenice.
2. Če osebo, ki je običajno zaposlena na ozemlju ene države pogodbenice pri delodajalcu na tem ozemlju, delodajalec za omejeno časovno obdobje napoti na ozemlje druge države pogodbenice, se zanjo uporablja zakonodaja le prve države pogodbenice, kakor če bi bila zaposlena na njenem ozemlju, če se pričakuje, da obdobje zaposlitve na ozemlju druge države pogodbenice ne bo preseglo pet (5) let.
3. Za namene uporabe drugega odstavka tega člena v primeru zaposlenega, ki ga delodajalec na ozemlju Združenih držav s tega ozemlja napoti na ozemlje Republike Slovenije, velja, da med delodajalcem in njegovo podružnico (kot določa zakonodaja Združenih držav) ni razlik, če bi bila ta zaposlitev brez obstoja tega sporazuma zavarovana v skladu z zakonodajo Združenih držav.
4. Drugi in tretji odstavek tega člena se uporabljata za osebe, ki jih delodajalec napoti z ozemlja države pogodbenice na ozemlje tretje države in so med zaposlitvijo na ozemlju tretje države obvezno zavarovane po zakonodaji te države pogodbenice, nato pa jih delodajalec napoti z ozemlja tretje države na ozemlje druge države pogodbenice.
5. Če oseba, ki je običajno samozaposlena na ozemlju ene države pogodbenice, začasno prenese opravljanje svoje samozaposlitvene dejavnosti na ozemlje druge države pogodbenice, se zanjo uporablja zakonodaja le prve države pogodbenice, če se pričakuje, da obdobje samozaposlitve na ozemlju druge države pogodbenice ne bo preseglo pet (5) let.

6.
 - (a) Za osebo, ki je zaposlena kot častnik ali član posadke na plovilu, ki pluje pod zastavo ene države pogodbenice, in ki bi bila zavarovana v skladu z zakonodajo obeh držav pogodbenic, se uporablja le zakonodaja tiste države pogodbenice, pod zastavo katere pluje plovilo. Za namene prejšnjega stavka plovilo, ki pluje pod zastavo Združenih držav, pomeni plovilo, ki je opredeljeno kot ameriško plovilo v skladu z zakonodajo Združenih držav.
 - (b) Za potujoče zaposlene letalskih prevoznikov, ki opravljajo delo na ozemlju obeh držav pogodbenic in bi bili sicer zavarovani v skladu z zakonodajo obeh držav pogodbenic, se v zvezi s tem delom uporablja le zakonodaja tiste države pogodbenice, na ozemlju katere ima prevoznik sedež. Če pa ti zaposleni prebivajo na ozemlju druge države pogodbenice, se zanje uporablja le zakonodaja te države pogodbenice.
7.
 - (a) Ta sporazum ne vpliva na določbe Dunajske konvencije o diplomatskih odnosih z dne 18. aprila 1961 ali Dunajske konvencije o konzularnih odnosih z dne 24. aprila 1963.
 - (b) Za državljane države pogodbenice, ki jih na ozemlju druge države pogodbenice zaposli vlada njihove države pogodbenice in ki jih dunajski konvenciji iz pododstavka (a) tega odstavka ne izvzemata iz zakonodaje druge države pogodbenice, se uporablja le zakonodaja prve države pogodbenice. Za namen tega odstavka vključuje zaposlitev pri Vladi Združenih držav zaposlitev pri njenem pomožnem organu.
8. Pristojna organa držav pogodbenic se lahko glede določenih oseb ali kategorij oseb dogovorita o izjemi k določbam tega člena, če se za osebo, ki bi jo to zadevalo, uporablja zakonodaja ene od držav pogodbenic.

III. DEL

Določbe o dajatvah

6. člen

Dajatve Združenih držav

1. Če je oseba po zakonodaji Združenih držav dopolnila vsaj šest (6) četrletij zavarovanja, vendar po zakonodaji Združenih držav nima zadostne zavarovalne dobe, da bi zadostila zahtevam glede upravičenosti do dajatev, agencija Združenih držav pri ugotavljanju upravičenosti do dajatev po tem členu upošteva zavarovalne dobe, ki se priznajo v skladu z zakonodajo Republike Slovenije in ne sovpadajo z zavarovalnimi dobami, ki so že priznane skladno z zakonodajo Združenih držav.
2. Pri ugotavljanju upravičenosti do dajatev v skladu s prvim odstavkom tega člena prizna agencija Združenih držav eno (1) četrletje zavarovanja za vsakih devetdeset (90) dni zavarovanja, ki ga potrdi agencija Republike Slovenije. Skupno število četrletij zavarovanja, ki se priznajo v enem letu, ne more biti višje od štirih (4).
3. Če ni mogoče določiti koledarskega četrletja posamezne zavarovalne dobe, pridobljene v skladu z zakonodajo Združenih držav, bo agencija Združenih držav domnevala, da se zadevna zavarovalna doba ne prekriva z zavarovalno dobo, pridobljeno v Republiki Sloveniji.
4. Agencija Združenih držav ne upošteva zavarovalnih dob, dopoljenih pred najzgodnejšim datumom, od katerega se po njeni zakonodaji lahko priznavajo zavarovalne dobe; prav tako agencija Združenih držav ne upošteva zavarovalnih dob, ki ne temeljijo na plačanih prispevkih.
5. Če se upravičenost do dajatve po zakonodaji Združenih držav ugotovi v skladu z določbami iz prvega odstavka tega člena, izračuna agencija Združenih držav sorazmerni znesek osnovnega zavarovanja v skladu z zakonodajo Združenih držav na podlagi:
 - (a) povprečnega zaslužka osebe, ki se prizna izključno po zakonodaji Združenih držav, in

- (b) sorazmerja med trajanjem zavarovalnih dob osebe, dopoljenih po zakonodaji Združenih držav, in trajanjem življenjske dobe zavarovanja, kot je določeno v skladu z zakonodajo Združenih držav.

Dajatve, ki se izplačajo na podlagi zakonodaje Združenih držav, temeljijo na sorazmernem znesku osnovnega zavarovanja.

6. Upravičenost do dajatve iz Združenih držav, ki izhaja iz prvega odstavka tega člena, se prekine s pridobitvijo zadostnih zavarovalnih dob, ki so po zakonodaji Združenih držav potrebne za ugotovitev upravičenosti do enake ali višje dajatve, ne da bi bilo treba uveljavljati določbo iz prvega odstavka tega člena.
7. 4. člen tega sporazuma se v Združenih državah uporablja na način, ki je skladen z razdelkom 233(c)(4) Zakona o socialni varnosti Združenih držav.

7. člen

Dajatve Republike Slovenije

1. Če so pogoji za pridobitev pravice do dajatve po slovenski zakonodaji izpolnjeni brez upoštevanja zavarovalne dobe, dopolnjene po zakonodaji Združenih držav, agencija Republike Slovenije zagotovi dajatev izključno na podlagi zavarovalne dobe, dopolnjene po slovenski zakonodaji.
2. Če pogoji za pridobitev pravice do dajatve po slovenski zakonodaji samo na podlagi zavarovalne dobe, dopolnjene po slovenski zakonodaji, niso izpolnjeni, agencija Republike Slovenije pri ugotavljanju upravičenosti do dajatve upošteva tudi zavarovalno dobo, dopolnjeno po zakonodaji Združenih držav pod pogojem, da se ne prekriva z zavarovalno dobo, priznано po slovenski zakonodaji.
3. Če pogoji za pridobitev pravice do dajatve na podlagi drugega odstavka tega člena niso izpolnjeni, bo agencija Republike Slovenije za slovenske državljane upoštevala tudi dobe, dopolnjene v tretjih državah, s katerimi ima Republika Slovenija sklenjene mednarodne sporazume o socialni varnosti, ki določajo seštevanje dob.

4. Pri priznanju pravice do dajatve iz drugega in tretjega odstavka tega člena agencija Republike Slovenije izračuna višino dajatve na naslednji način:
 - (a) najprej izračuna teoretični znesek dajatve, ki bi ga morala izplačevati, če bi bile vse zavarovalne dobe, ki se seštevajo, dopolnjene po slovenski zakonodaji;
 - (b) na podlagi tega teoretičnega zneska nato izračuna dejanski znesek dajatve, ki se plača v sorazmerju med zavarovalno dobo, dopolnjeno po slovenski zakonodaji, in vsemi zavarovalnimi dobami, ki se seštevajo;
 - (c) pri izračunu teoretičnega zneska dajatve iz pododstavka (a) tega odstavka se pri določitvi osnove za odmero dajatve upoštevajo le zavarovalne dobe, dopolnjene po slovenski zakonodaji.
5. Pri ugotavljanju upravičenosti do dajatve iz drugega in tretjega odstavka tega člena bo agencija Republike Slovenije za vsako četrletje zavarovanja, ki ga sporoči agencija Združenih držav, upoštevala tri (3) mesece zavarovalne dobe.
6. Če zavarovalna doba, dopolnjena po slovenski zakonodaji, znaša skupaj manj kot dvanajst (12) mesecev, se dajatev ne prizna. To ne velja, če obstaja pravica do dajatve po slovenski zakonodaji le na podlagi take krajše zavarovalne dobe.
7. Dodatek za pomoč in postrežbo, invalidnina, dajatve za preostalo delovno zmožnost ali katerakoli druga dajatev, ki ne temelji na plačanih prispevkih in ki se po slovenski zakonodaji ne izplačuje zunaj Republike Slovenije, se izplačujejo, dokler upravičenec prebiva v Republiki Sloveniji.

IV. DEL

Razne določbe

8. člen

Upravni dogovori

Državi pogodbenici:

- (a) sprejmeta vse potrebne upravne dogovore za izvajanje tega sporazuma in imenujeta organe za zvezo;
- (b) si sporočita vse informacije o ukrepih, ki sta jih sprejeli za izvajanje tega sporazuma, in
- (c) se čim prej obvestita o vseh spremembah svoje zakonodaje, ki bi lahko vplivale na izvajanje tega sporazuma.

9. člen

Medsebojna pomoč

Pristojni organi in agencije držav pogodbenic si v okviru svojih pristojnosti pomagajo pri izvajanju tega sporazuma. Ta pomoč se zagotavlja brezplačno, ob upoštevanju izjem, ki se določijo v upravnem dogovoru.

10. člen

Zaupnost izmenjanih osebnih podatkov

1. Če notranjepravni predpisi države pogodbenice ne zahtevajo drugače, se osebni podatki, ki jih država pogodbenica po tem sporazumu pošlje drugi državi pogodbenici, obdelujejo izključno za izvajanje tega sporazuma in zakonodaje iz 2. člena tega sporazuma. Tako uporabo urejajo notranjepravni predpisi o varstvu zasebnosti, zaupnosti ali tajnosti osebnih podatkov države pogodbenice prejemnice ter določbe tega sporazuma.
2. Pristojni organi držav pogodbenic se obvestijo o vseh spremembah notranjepravnih predpisov o varstvu zasebnosti, zaupnosti ali tajnosti osebnih podatkov, ki vplivajo na posredovanje osebnih podatkov.

3. Pristojni organ ali agencija, ki zaprosi za osebne podatke ali jih posreduje v skladu s tem sporazumom, mora na zahtevo osebi razkriti:
 - (a) vsebino njenih osebnih podatkov,
 - (b) agencijo prejemnico njenih osebnih podatkov,
 - (c) trajanje uporabe njenih osebnih podatkov in
 - (d) namen in pravno podlago, na podlagi katere so se osebni podatki uporabili oziroma se je zanje zaprosilo.

4. Pristojni organ ali agencija, ki posreduje osebne podatke na podlagi tega sporazuma, v okviru podatkov, s katerimi razpolaga država pogodbenica pošiljateljica, sprejme vse ustrezne ukrepe, da zagotovi, da so posredovani osebni podatki točni in posodobljeni ter omejeni na podatke, ki so potrebni za izpolnitev zaprosila pristojnega organa ali agencije prejemnice. Agencija ali pristojni organ prejemnice v skladu s svojimi notranjepravnimi predpisi popravi, omeji dostop ali izbriše vse netočne ali neažurne posredovane osebne podatke in vse podatke, ki niso potrebni za izpolnitev zaprosila agencije prejemnice, ter pristojni organ ali agencijo druge države pogodbenice nemudoma obvesti o takem popravku. To ne omejuje pravice osebe, da tak popravek, omejitev dostopa ali izbris svojih osebnih podatkov zahteva neposredno od agencij.

5. Agencija pošiljateljica in agencija prejemnica oziroma zadevni pristojni organ učinkovito varuje osebne podatke pred nepooblaščenim ali nezakonitim dostopom, spremembo ali razkritjem.

11. člen
Zaupnost izmenjanih podatkov delodajalcev

Če notranjepravni predpisi države pogodbenice ne zahtevajo drugače, se podatki delodajalcev, ki si jih državi pogodbenici pošiljata v skladu s tem sporazumom, uporabljajo izključno za izvajanje tega sporazuma in zakonodaje iz 2. člena tega sporazuma. Tako uporabo urejajo notranjepravni predpisi države pogodbenice prejemnice o varstvu in zaupnosti delodajalčevih podatkov ter določbe tega sporazuma.

12. člen
Dokumenti

1. Če zakonodaja države pogodbenice določa, da je katerikoli dokument, ki se predloži pristojnemu organu ali agenciji te države pogodbenice, v celoti ali delno oproščen plačila pristojbin ali taks, vključujoč konzularne in upravne pristojbine, velja oprostitev tudi za ustrezne dokumente, ki se pri izvajanju tega sporazuma predložijo pristojnemu organu ali agenciji druge države pogodbenice.
2. Za dokumente in potrdila, predložena za namen tega sporazuma, overovitev diplomatskih ali konzularnih organov ni potrebna.
3. Izvode dokumentov, ki jih agencija ene države pogodbenice overi kot verodostojne in točne, agencija druge države pogodbenice sprejme kot take brez dodatnega overjanja. O dokazni vrednosti dokazil, ki jih prejme od kateregakoli vira, dokončno razsodi agencija posamezne države pogodbenice.

13. člen
Dopisovanje in jezik

1. Pristojni organi in agencije držav pogodbenic si smejo dopisovati neposredno in z vsako osebo, ne glede na to, kje ta prebiva, kadarkoli je to potrebno za izvajanje tega sporazuma.

2. Pristojni organ ali agencija države pogodbenice vloge ali dokumenta ne sme zavrniti zgolj zato, ker je napisan v jeziku druge države pogodbenice. Po potrebi se državi pogodbenici dogovorita o izmenjavi ustreznih vzorčnih dopisov v slovenskem ali angleškem jeziku.

14. člen **Vloge**

1. S pisno vlogo za dajatve, oddano pri agenciji ene države pogodbenice, se varujejo pravice upravičencev v skladu z zakonodajo druge države pogodbenice, če vlagatelj zaprosi, da se ta upošteva kot vloga po zakonodaji druge države pogodbenice.
2. Če vlagatelj odda pisno vlogo za dajatve agenciji ene države pogodbenice in ne zahteva izrecno, da se vloga omeji na dajatve v skladu z zakonodajo te države pogodbenice, ta vloga varuje tudi pravice upravičencev po zakonodaji druge države pogodbenice, če vlagatelj ob predložitvi navede podatke, da je oseba, za katero se zaproša za dajatve, dopolnila zavarovalne dobe v skladu z zakonodajo druge države pogodbenice.
3. Določbe III. dela tega sporazuma se uporabljajo le za dajatve na podlagi vlog, ki so oddane na datum začetka veljavnosti tega sporazuma ali po njem.

15. člen **Pritožbe in roki**

1. Pisna pritožba zoper odločitev agencije ene države pogodbenice se lahko veljavno vloži pri agenciji katerekoli od držav pogodbenic. O pritožbi se odloča v skladu s postopkom in zakonodajo države pogodbenice, ki je izdala izpodbijano odločitev.
2. Katerikoli zahtevk, obvestilo ali pisna pritožba, ki bi po zakonodaji ene od držav pogodbenic morala biti vložena v predpisanem roku pri agenciji te države pogodbenice, pa je bila v istem roku vložena pri agenciji druge države pogodbenice, se upošteva kot pravočasno vložena.

16. člen
Pošiljanje zahtevkov, obvestil in pritožb

V vsaki zadevi, v kateri se uporabijo določbe 14. ali 15. člena tega sporazuma ali obeh, agencija, ki je prejela zahtevek, obvestilo ali pisno pritožbo, navede datum prejema dokumenta in ga nemudoma pošlje organu za zvezo druge države pogodbenice.

17. člen
Valuta

1. Plačila po tem sporazumu se lahko izvršijo v valuti države pogodbenice, ki izvršuje plačila.
2. Če katerakoli država pogodbenica sprejme določbe za omejitev menjave ali nakazil svoje valute zunaj svojega ozemlja, vladi obeh držav pogodbenic nemudoma sprejmeta ukrepe za zagotovitev izplačila zneskov, ki jih dolguje katerakoli od držav pogodbenic tega sporazuma.

18. člen
Reševanje nesoglasij

Nesoglasja glede razlage ali uporabe tega sporazuma se rešujejo s posvetovanjem pristojnih organov.

19. člen
Dopolnilni sporazumi

Ta sporazum je mogoče spremeniti z dopolnilnimi sporazumi.

V. DEL
Prehodne in končne določbe

20. člen
Prehodne določbe

1. Ta sporazum ne omogoča zahtevkov za plačilo dajatve za obdobje pred začetkom njegove veljavnosti ali zahtevkov za pavšalno dajatev ob smrti, če je oseba umrla, preden je sporazum začel veljati.
2. Pri ugotavljanju upravičenosti do dajatev na podlagi tega sporazuma se upoštevajo zavarovalne dobe v skladu z zakonodajo obeh držav pogodbenic in drugi dogodki pred začetkom njegove veljavnosti.
3. Pri uporabi drugega, tretjega, četrtega ali petega odstavka 5. člena tega sporazuma za osebe, ki jih je delodajalec napotil na delo ali so prenesle svojo samozaposlitveno dejavnost na ozemlje države pogodbenice pred datumom začetka veljavnosti tega sporazuma, velja, da se obdobje zaposlitve ali samozaposlitve začne na dan začetka veljavnosti tega sporazuma.
4. Ugotavljanje upravičenosti do dajatev, zaključeno pred začetkom veljavnosti tega sporazuma, ne vpliva na pravice, ki iz njega izhajajo.
5. Uporaba tega sporazuma ne povzroči znižanja zneska dajatve, za katero je bila upravičenost ugotovljena pred začetkom veljavnosti sporazuma.

21. člen
Trajanje in prenehanje veljavnosti

1. Ta sporazum velja do preteka enega (1) koledarskega leta po letu, ko ena od držav pogodbenic drugi državi pogodbenici pošlje pisno obvestilo o njegovi odpovedi.

2. Če ta sporazum preneha veljati, se pravice do dajatev oziroma njihovega izplačila, pridobljene v skladu z njim, ohranijo, o vsakem vloženem zahtevku, o katerem še ni bilo odločeno do prenehanja veljavnosti sporazuma, pa se odloči v skladu z določbami tega sporazuma.

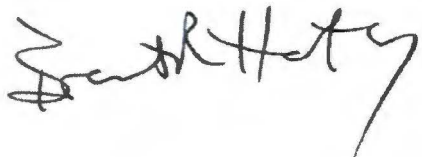
22. člen
Začetek veljavnosti

Ta sporazum začne veljati prvi dan četrtega meseca, ki sledi datumu zadnje od izmenjanih diplomatskih not, s katerima se državi pogodbenici uradno obvestita o končanju njunih notranjopravnih postopkov, potrebnih za začetek veljavnosti tega sporazuma.

V POTRDITEV TEGA sta podpisana, ki sta bila za to pravilno pooblaščenca, podpisala ta sporazum.

SESTAVLJENO v Ljubljani dne 17. januarja 2017 v dveh izvornikih v angleškem in slovenskem jeziku, pri čemer sta obe besedili enako verodostojni.

ZA
ZDRUŽENE DRŽAVE AMERIKE



ZA
REPUBLIKO SLOVENIJO



**ADMINISTRATIVE ARRANGEMENT
BETWEEN
THE UNITED STATES OF AMERICA
AND THE REPUBLIC OF SLOVENIA
FOR THE IMPLEMENTATION OF THE
AGREEMENT ON SOCIAL SECURITY
BETWEEN THE UNITED STATES OF AMERICA
AND THE REPUBLIC OF SLOVENIA**

The United States of America and

the Republic of Slovenia,

In conformity with Article 8(a) of the Agreement on Social Security between the United States of America and the Republic of Slovenia of this date, hereinafter referred to as the "Agreement," have agreed as follows:

**CHAPTER I
General Provisions**

Article 1

Where terms that appear in the Agreement are used in this Administrative Arrangement, they shall have the same meaning as they have in the Agreement.

Article 2

- 1. The Liaison Agencies referred to in Article 8(a) of the Agreement shall be:**
 - (a) for the United States of America, the Social Security Administration; and**
 - (b) for the Republic of Slovenia,**
 - (i) for the Laws referred to under Article 2, paragraph 1, subparagraph (b)(i) of the Agreement: the Pension and Disability Insurance Institute of Slovenia, and**
 - (ii) for the Laws referred to under Article 2, paragraph 1, subparagraph (b)(ii) of the Agreement: the Health Insurance Institute of Slovenia.**

2. The Liaison Agencies designated in paragraph 1 of this Article shall decide upon the joint procedures, methods, and bilingual forms necessary for the implementation of the Agreement and this Administrative Arrangement.

CHAPTER II

Provisions on Coverage

Article 3

1. Where the Laws of one Contracting State are applicable in accordance with any of the provisions of Article 5 of the Agreement, the Agency of that Contracting State, upon request of the employer or self-employed person, shall issue a certificate stating that the employee or self-employed person is subject to those Laws and indicating the duration for which the certificate shall be valid. This certificate shall be evidence that the employee or self-employed person is exempt from the Laws on compulsory coverage of the other Contracting State.
2. The certificate referred to in paragraph 1 of this Article shall be issued:
 - (a) in the United States of America, by the Social Security Administration; and
 - (b) in the Republic of Slovenia, by the Health Insurance Institute of Slovenia.
3. The Agency of a Contracting State that issues a certificate referred to in paragraph 1 of this Article shall furnish a copy of the certificate or mutually decided information from the certificate to the Liaison Agency of the other Contracting State as needed by the Agency of the other Contracting State.

4. The Competent Authorities referred to in paragraph 8 of Article 5 of the Agreement shall be:
 - (a) for the United States of America, the Commissioner of Social Security; and
 - (b) for the Republic of Slovenia, the Ministry of Labor, Family, Social Affairs, and Equal Opportunities.

CHAPTER III Provisions on Benefits

Article 4

1. Claims for Benefits under the Agreement shall be submitted on forms to be developed by the Liaison Agencies of the two Contracting States.
2. The Agency of the Contracting State with which a claim for Benefits is first filed in accordance with Article 14 of the Agreement, shall provide the Agency of the other Contracting State with such evidence and other information in its possession as may be required to complete action on the claim.
3. The Agency of a Contracting State which receives a claim that was first filed with an Agency of the other Contracting State, shall without delay provide the Agency of the other Contracting State with such evidence and other available information in its possession as may be required for it to complete action on the claim.
4. The Agency of the Contracting State with which a claim for Benefits has been filed shall verify the information pertaining to the applicant and the applicant's family members. The Liaison Agencies of both Contracting States shall decide upon the types of information to be verified.

5. Upon request, the Agency of one Contracting State shall inform the Agency of the other Contracting State on bilingual forms of its decision to award or deny a claim filed under Part III of the Agreement.

CHAPTER IV Miscellaneous Provisions

Article 5

1. In accordance with measures to be decided upon pursuant to paragraph 2 of Article 2 of this Administrative Arrangement, the Agency of one Contracting State shall, upon request by the Agency of the other Contracting State, furnish available information relating to the claim of any specified individual for the purpose of administering the Agreement.
2. For the purpose of facilitation of the implementation of the Agreement and this Administrative Arrangement, the Liaison Agencies may decide on measures for the provision and transmission of the electronic exchange of data.

Article 6

The Liaison Agencies shall exchange statistics on the number of certificates issued under Article 3 of this Administrative Arrangement and on the payments made to beneficiaries under the Agreement. These statistics shall be furnished annually in a manner to be decided upon by the Liaison Agencies.

Article 7

1. Where administrative assistance is requested and provided under Article 9 of the Agreement, expenses other than regular personnel and operating costs of the Agency providing the assistance shall be reimbursed, except as may be otherwise agreed to by the Competent Authorities or Liaison Agencies of the Contracting States.

2. Upon request, the Agency of either Contracting State shall furnish without cost to the Agency of the other Contracting State any medical information and documentation in its possession relevant to the disability of the claimant or beneficiary.
3. Where the Agency of a Contracting State requires that a person in the territory of the other Contracting State who is receiving or applying for Benefits under the Agreement submit to a medical examination, such examination, if requested by that Agency, shall be arranged by the Agency of the other Contracting State in accordance with the rules of the Agency making the arrangements and at the expense of the Agency requesting the examination.
4. The Agency of one Contracting State shall reimburse amounts owed under paragraphs 1 or 3 of this Article upon presentation of a statement of expenses by the Agency of the other Contracting State.

Article 8

1. The Agency shall pay Benefits directly to the beneficiary or his or her designee.
2. Upon request of the Agency referred to in paragraph 1 of this Article, a beneficiary shall submit proof, annually at minimum, that he or she is still alive.

Article 9

The Competent Authorities shall notify each other, in writing, of changes in the names of the Liaison Agencies without the need to modify the Administrative Arrangement.

Article 10

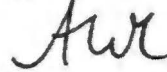
This Administrative Arrangement shall enter into force on the date of entry into force of the Agreement and remain in force so long as the Agreement is in force.

DONE at Ljubljana, this 17th day of January, 2017, in duplicate in the English and Slovenian languages, both texts being equally authentic.

FOR THE
UNITED STATES OF AMERICA:



FOR THE
REPUBLIC OF SLOVENIA:



**UPRAVNI DOGOVOR
MED ZDRUŽENIMI DRŽAVAMI AMERIKE
IN REPUBLIKO SLOVENIJO ZA IZVAJANJE
SPORAZUMA O SOCIALNI VARNOSTI
MED ZDRUŽENIMI DRŽAVAMI AMERIKE
IN REPUBLIKO SLOVENIJO**

Združene države Amerike in

Republika Slovenija

sta se v skladu s točko (a) 8. člena danes sklenjenega Sporazuma o socialni varnosti med Združenimi državami Amerike in Republiko Slovenijo, v nadaljnjem besedilu »sporazum«, dogovorili o:

I. POGLAVJE **Splošne določbe**

1. člen

Izrazi iz sporazuma imajo v tem upravnem dogovoru isti pomen kot v sporazumu.

2. člen

1. Organi za zvezo iz točke (a) 8. člena sporazuma so:
 - (a) za Združene države Amerike Uprava za socialno varnost in
 - (b) za Republiko Slovenijo:
 - (i) za zakonodajo iz pododstavka b(i) prvega odstavka 2. člena sporazuma Zavod za pokojninsko in invalidsko zavarovanje Slovenije in
 - (ii) za zakonodajo iz pododstavka b(ii) prvega odstavka 2. člena sporazuma Zavod za zdravstveno zavarovanje Slovenije.
2. Organi za zvezo, določeni v prvem odstavku tega člena, določijo skupne postopke, metode in dvojezične obrazce, ki so potrebni za izvajanje sporazuma in tega upravnega dogovora.

II. POGLAVJE

Določbe o zavarovanju

3. člen

1. Kadar se zakonodaja ene države pogodbenice uporablja v skladu s katerokoli določbo 5. člena sporazuma, agencija te države pogodbenice na zahtevo delodajalca ali samozaposlene osebe izda potrdilo, da za zaposlenega ali samozaposleno osebo velja ta zakonodaja, in navede obdobje, za katero velja to potrdilo. To potrdilo je dokaz, da je zaposleni ali samozaposlena oseba izvzeta iz zakonodaje o obveznem zavarovanju druge države pogodbenice.
2. Potrdilo iz prvega odstavka tega člena izda:
 - (a) v Združenih državah Amerike Uprava za socialno varnost in
 - (b) v Republiki Sloveniji Zavod za zdravstveno zavarovanje Slovenije.
3. Agencija države pogodbenice, ki izda potrdilo iz prvega odstavka tega člena, v skladu s potrebami agencije druge države pogodbenice organu za zvezo druge države pogodbenice pošlje izvod potrdila ali dogovorjene podatke iz potrdila.
4. Za dogovor o izjemah na podlagi osmega odstavka 5. člena sporazuma sta pristojna:
 - (a) za Združene države Amerike komisar za socialno varnost in
 - (b) za Republiko Slovenijo Ministrstvo za delo, družino, socialne zadeve in enake možnosti.

III. POGLAVJE

Določbe o dajatvah

4. člen

1. Zahtevki za dajatve po sporazumu se vlagajo na obrazcih, o katerih se dogovorijo organi za zvezo držav pogodbenic.
2. Agencija države pogodbenice, pri kateri je bil najprej vložen zahtevek za dajatve v skladu s 14. členom sporazuma, agencijo druge države pogodbenice obvesti o vložitvi zahtevka in posreduje druge podatke, s katerimi razpolaga, ki so potrebni za obravnavo zahtevka.
3. Agencija države pogodbenice, ki prejme zahtevek, ki je bil najprej vložen pri agenciji druge države pogodbenice, agenciji druge države pogodbenice nemudoma sporoči, da je zahtevek prejela in ji posreduje dokaze in druge informacije, s katerimi razpolaga, ki so potrebni za obravnavo zahtevka.
4. Agencija države pogodbenice, pri kateri je bil vložen zahtevek za dajatve, preveri podatke o vlagatelju in njegovih družinskih članih. Organi za zvezo obeh držav pogodbenic določijo, katere podatke je treba preveriti.
5. Agencija prve države pogodbenice na zahtevo obvesti na dvojezičnih obrazcih agencijo druge države pogodbenice o svoji odločitvi glede odobritve ali zavrnitve zahtevka, vloženega skladno s III. delom sporazuma.

IV. POGLAVJE

Druge določbe

5. člen

1. V skladu z ukrepi, ki jih je treba določiti ob upoštevanju drugega odstavka 2. člena tega upravnega dogovora, agencija ene države pogodbenice na zahtevo agencije druge države pogodbenice za izvajanje sporazuma posreduje podatke, s katerimi razpolaga, v zvezi z zahtevkom za katerokoli navedeno osebo.
2. Za lažje izvajanje sporazuma in tega upravnega dogovora lahko organi za zvezo določijo ukrepe za zagotavljanje elektronske izmenjave podatkov.

6. člen

Organi za zvezo si izmenjujejo statistične podatke o številu potrdil, izdanih v skladu s 3. členom tega upravnega dogovora, in o plačilih upravičencem v skladu s sporazumom. Ta statistika se izmenja letno na način, ki ga določita organa za zvezo.

7. člen

1. Kadar se v skladu z 9. členom sporazuma zaprosi za in nudi upravna pomoč, se stroški, razen običajnih stroškov dela in poslovanja agencije, ki zagotavlja pomoč, povrnejo, razen če se pristojni organi ali organi za zvezo držav pogodbenic ne dogovorijo drugače.
2. Agencija ene izmed držav pogodbenic na zaprosilo agenciji druge države pogodbenice brez povračila stroškov zagotovi vse razpoložljive zdravstvene informacije in dokumentacijo v zvezi z invalidnostjo vlagatelja zahtevka ali upravičenca.

3. Kadar agencija države pogodbenice zahteva, da oseba na ozemlju druge države pogodbenice, ki prejema dajatve ali vloži zahtevek za dajatve v skladu s sporazumom, opravi zdravniški pregled, za pregled, če navedena agencija za to zaprosi, poskrbi agencija druge države pogodbenice v skladu s pravili agencije, ki zagotovi pregled, in na stroške agencije, ki zahteva pregled.
4. Agencija ene države pogodbenice povrne dolgovane zneske iz prvega ali tretjega odstavka tega člena, ko agencija druge države pogodbenice predloži poročilo o stroških.

8. člen

1. Agencija izplačuje dajatve neposredno upravičencu ali njegovemu pooblaščenцу.
2. Na zahtevo agencije iz prvega odstavka tega člena mora upravičenec najmanj enkrat letno predložiti potrdilo o tem, da še živi.

9. člen

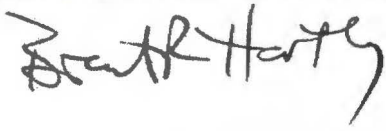
Pristojni organi se medsebojno pisno obvestijo o spremembah v nazivih organov za zvezo, ne da bi bilo treba zaradi tega spreminjati upravni dogovor.

10. člen

Ta upravni dogovor začne veljati z dnem uveljavitve sporazuma in velja tako dolgo kot sporazum.

SESTAVLJENO v Ljubljani dne 17. januarja ²⁰¹⁷ v dveh izvornikih v angleškem in slovenskem jeziku, pri čemer sta obe besedili enako verodostojni.

ZA
ZDRUŽENE DRŽAVE AMERIKE



ZA
REPUBLIKO SLOVENIJO

