

## APPLICATION FOR DETERMINATION OF APPLICABLE LEGISLATION

*of a person usually carrying out activities as an employee in two or more EU member states*

**Position of the person requesting determination of applicable legislation**

☐ employee ☐ contracted staff member of EC ☐ marine

☐ international transport driver ☐ aviation personnel

### A. Personal details

## 1. Identification data

sex: man ☐ woman ☐

Title before the name	name	surname	title after the surname
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date of birth                      place of birth                      nationality

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surname at birth                      birth number (in case of a foreigner state the ID number assigned by SIA)

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## 2. Address of residence

(place of residence is, where a person resides, where he has family, property, center of his interests; in case the place of residence is identical with permanent residence in Slovakia, specify the address of permanent residence; if the place of residence is outside Slovakia, the Social Insurance Agency is not competent to assess and determine applicable legislation, in such case, the competent institution is the institution of Member State of residence)

street and number                      city (town)                      postal code

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state phone no. e-mail

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proof of residence of a foreigner in the territory of Slovakia (type, number, validity, and address of residence)

Correspondence address (fill in only if different from address of residence)

### Delivery address for A1 form

\_\_\_\_\_

**3. Date of commencement of activity at the same time in the territory of two or more member states** (if legislation was set in the past, state the end date)

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**B. Employer information**

(if you have multiple employers, fill in points 4 to 12 for each employer on separate sheets)

**4. Identification data**

(in case of a natural person, give the name, surname and addendum according to the authorisation to carry out an activity issued under a special regulation)

name	ID (IČO)

Street and number	city (town)	postal code

state	contact person (name, surname, phone no., e-mail)

number of administrative staff working in the company

place and member state, where agreements are being signed with clients and employer contracts with employees

state, from which the company is managed


**5. Type and duration of the employment**

- ☐ employment contract  
☐ agreement on work performed outside the employment relationship  
☐ other type of employment relationship  
☐ other type of legal act

from  to

**6. Type of activity performed for the employer**

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**7. Place of execution of work for the employer**

Street and number	city	postal code	state

**Member state of the EU**

**Switzerland**

**EEA States** (Iceland, Liechtenstein, Norway)

- |                              |                             |
|------------------------------|-----------------------------|
| <input type="checkbox"/> yes | <input type="checkbox"/> no |
| <input type="checkbox"/> yes | <input type="checkbox"/> no |
| <input type="checkbox"/> yes | <input type="checkbox"/> no |

**8. Working time**  h./month

**9. Monthly salary (brutto)**  €

**10. Other information**

Legislation of the member state, which is chosen by the contracted employee (employee fills in)

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Name and boat flag (seaman fills in)

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Home base (flight crew fills in)

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#### 11. Percentage of working time distributed in individual countries

(period of 12 months from the date of filing the application, if it is not possible to determine the following period, indicate the previous period: if the request relates exclusively to the retroactive period, please indicate the breakdown of working time for the period of the current activity in the territory of two or more Member State)

	% of activity in	Slovakia
	% of activity in (fill in the state)	
	% of activity in (fill in the state)	
	% of activity in (fill in the state)	

**12. Section, under which is activity carried out by the employer in the sense of statistical classification of economic activities SK NACE Rev. 2** (see more information in the filling in instructions part)

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#### 13. Person was issued an E 101/PD A1 in a different Member State

<input type="checkbox"/> yes	from		to		date		institution	
<input type="checkbox"/> no								

#### 14. Additional information (optional)

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### C. Declaration of the applicant

**I declare, that the information stated in this application are correct and I have not concealed anything.** I assume, the situation given in the application will last next 12 months. Any changes, **regarding my situation, which could affect this application to determine applicable legislation, I will submit in written form within eight days to the Social Insurance Agency**

In 

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 date 

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\_\_\_\_\_  
Signature of applicant

#### Annexes to the application

1. photocopy of the **employment relationship document** in accordance with point 5 of the application with relevant supplements, if any, together with supplements regarding salary arrangements; if you have an employment relationship with a foreign employer, attach **translated document in Slovak language** together with the declaration of correct translation of documents in a foreign language, except Czech,

2. if you have an employer whose registered office or place of business is located in the territory of another Member State, submit a photocopy of the authorization to perform the activity of the employer translated into Slovak languages together with the declaration of correct translation of documents in a foreign language, except Czech; this document might be from an online register of the respective Member State published on the internet,
3. **E 101/PD A1 form in case it was issued by a competent authority of different Member State** regarding point 13 of the application,
4. photocopy of a document of residence of a foreigner in the territory of Slovakia, if issued,
5. in case of persons residing outside of Slovakia – PD A1, or a notice on the provisional determination of applicable legislation, issued by respective institution of social security in the state of residence according to Art. 16 (2) of Regulation of European Parliament and Council no. 987/2009 from 16 September 2009, which sets out the procedure of implementing the Regulation ( Implementing Regulation),
6. **the declaration of correct translation of documents in foreign language**, except Czech form is available at [www.socpoist.sk](http://www.socpoist.sk) in section Forms related to issuing a PD A1; this form is used in cases the documents are not translated by professional officials,
7. other relevant documents needed to assess correct belonging to jurisdiction applicable (state their name and number):

#### **D. Confirmation of the relevant branch of the Social Insurance Agency**

Social Insurance Agency, branch  verified the content of data given in the application and based on the provided documents and data recorded in the info system of Social Insurance Agency, and confirms their accuracy. At the same time it confirms, that the person holds the status of self-employed for social security purposes  
from  to

In  date

\_\_\_\_\_  
signature of authorised person  
and stamp of the relevant branch  
of Social Insurance Agency

#### **Instructions for filling in the form and information on obligations:**

1. Fill in the application legibly.
2. The application shall be submitted to the Social Insurance Agency via respective branch of SIA. **The application must be filled in all relevant points, otherwise the application is concerned incomplete and the branch will ask the applicant to complete it. If the address of residence is according to point 2 of the application located in another Member State, the SIA returns the application to the applicant, unless the application is accompanied by the determination of Slovak legislation by respective institution of the Member State of residence.**
3. **PD A1 "Confirmation of social security legislation applicable to the holder" shall be issued by the Social Security Agency**, on basis of assessed application within 60days from submission and sends to the employee's address stated in the application by postal services. The employee shows the PD A1 in case of social security control. PD A1 is kept by the employee

also after expiration, except when claimed as invalid. The employer/s may make a photocopy of PD A1 form issued to the employee.

4. If, by means of this application, you **indicate that you have started your activity** in the territory of two or more EU Member States **before 1 May 2010**, your membership of a Member State's social security scheme shall be determined in accordance with Title II of Council Regulation (EEC) no. 1408/71 from the start of operations in the territory of two or more EU Member States until 30 April 2010. If, in connection with the application of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems there would be change from 1 May 2010 in the legislation established pursuant to Title II of Council Regulation (EEC) 1408/71, although your situation has not changed, it applies to you in the sense of Art. 87 para. 8 of the Regulation continue to be subject to the relevant legislation set under Title II of Council Regulation no. 1408/71. If you want to be subject to the legislation designated under the Regulation, **you need to include this fact in the additional information**. The change of the legislation will take place from the first day of the month following the receipt of the application by a branch of the Social Insurance Agency.
5. If, by means of this application, you **indicate that you have started your activity** in the territory of two or more EU Member States after 1 May 2010 and **before 28 June 2012**, your membership of a Member State's social security scheme will be determined under Title II of the Regulation in the from the start of operations in the territory of two or more EU Member States until 27 June 2012. If, in connection with the application of Regulation (EC) No 465/2012 of 28 June 2012 to amend the relevant legislation designated pursuant to Title II of the Regulation, even if your situation has not changed, applies to you within the meaning of Article 87a of Regulation (EU) No. 465/2012 continues to be the relevant legislation identified under Title II of the Regulation. If you want to comply with the legislation given by Regulation of European Parliament and Council No 465/2012, you must **indicate so in the additional information**. The change of the legislation will take place from the first day of the month following the receipt of the application by a branch of the Social Insurance Agency.
6. If you indicate by this application that you have begun your activity in the territory of the Swiss Confederation before 1 April 2012, the relevant legislation applies to you, as determined in accordance with Title II of Council Regulation (EEC) 1408/71. In the case of the determination of legislation under Title II of Council Regulation (EEC) 1408/71 **the E 101 form "Confirmation of Applicable Legislation"** will be issued to you.
7. If, by means of this application you indicate, that you have started your activity in the territory of the EEA (Norway, Iceland, Lichtenstein) before 1 June 2012, you are subject to the relevant legislation as determined under Title II of Council Regulation (EEC) 1408/71. In the case of the determination of legislation under Title II of Council Regulation (EEC) no. 1408/71, the E 101 form will be issued to the employee "Confirmation of Applicable Legislation".
8. Persons working in the territory of two or more Member States shall notify the institution issuing PD A1 or institution of state of residence of changes, which may have influence on the determination of social security legislation.
9. **It is necessary to include the subject of self employment and employment activities into one of the following categories within the SK NACE Rev 2** (sections: A - Agriculture, forestry and fishing; B – Mining and quarrying; C – Industrial production; D – Supply of electricity, gas, steam and cold air; E - Water supply, sewage treatment and disposal, waste management; F – Construction; G – Wholesale and retail trade, repair of motor vehicles and motorcycles; H – Transport and storage, please specify in particular 49.4, if you engage in road freight transport and haulage services; I – Accommodation and catering services; J – Information and communication; K – Financial and insurance activities; L – Real estate activities; M – Expert, scientific and technical activities; N – Administrative and support services, please indicate specifically group 78.2 in the case of agency mediating jobs for fixed period; O – Public administration and defense, compulsory social security; P – Education; Q – Health and social care; R – Arts, entertainment and relax; S – Other activities; T – Activities of households as employers, undifferentiated activities in households producing goods and services for own use; U – activities of extraterritorial organizations and associations; link for more information **"[https://www.financnasprava.sk/\\_img/pfsedit/Dokumenty\\_PFS/Podnikatelia/Clo\\_obcho\\_dny\\_tovar/EORI/StatistickaKlasifikaciaEkonomickychCinnosti.pdf](https://www.financnasprava.sk/_img/pfsedit/Dokumenty_PFS/Podnikatelia/Clo_obcho_dny_tovar/EORI/StatistickaKlasifikaciaEkonomickychCinnosti.pdf)"**.

## INFORMATION

(not part of the annexes)

<p style="text-align: center;">Art 13 (1) of the Regulation</p>	<p>A person, who usually pursues activities as an employee in two or more Member states is subject to:</p> <ol style="list-style-type: none"> <li>a) Legislation of the Member State of residence, if the majority of his/her activity is pursued in this Member state, or</li> <li>b) If he/she does not pursue the majority of his/her activity in the Member State of residence: <ol style="list-style-type: none"> <li>1. Legislation of the Member State in which the registered office of the employer is, if he/she is employed by one employer, or</li> <li>2. Legislation of the Member state, in in which the registered office of the company or employers are, if he/she is employed by two or more employers, who have their registered offices in the same Member state, or</li> <li>3. Legislation of the Member State in which the registered office of the company or employer is, it not being the Member State of residence, if he/she is employed by two or more employers, whose registered offices are in two Member States, while one of them is the Member State of residence, or</li> <li>4. Legislation of the Member State of residence, if he/she is employed in two or more companies or by two or more employers, from which at least two have their registered office in different Member States, which are not the Member States of residence.</li> </ol> </li> </ol>
<p style="text-align: center;">the obligation of a person pursuing an activity in two or more Member States</p>	<p>A person, pursuing activities in two or more Member States, informs the respective competent institution of Member State of residence. If his/her residence is in Slovakia, he/she informs the Social Insurance Agency by application for determination of applicable legislation. He/she hands in the application in a respective branch of the Social Insurance Agency according to place of residence in Slovakia.</p>
<p style="text-align: center;">PD A1, employers' obligations according to Slovak legislation on social security under Art. 21(1) of Implementing regulation</p>	<p>If a person was stated to belong to the Slovak social security system (social insurance and health insurance), in regards of Art 13 (5)of the Regulation, for the purposes of this legislation, this person is treated, as if he/she was self-employed and employed only in Slovakia and only according to Slovak legislation will be assessed their obligation to pay social security contributions from income earned in Slovakia, as well as income earned in a different state.</p> <p>Under Art. 21 of Implementing regulation the employer or company, whose registered office is not in the territory of Slovakia, fulfills all obligations, imposed by the Slovak legislation, applicable to the employee. In particular, obligation to register and pay social security contributions as if the employer's registered office was located in Slovakia.</p>
<p style="text-align: center;">agreement on payment of social security contributions- Art. 21 (2) of Implementing Regulation</p>	<p>An Employer, who does not have a registered office or place of business in Slovakia and the employee may agree, that the employee will perform duties on behalf of the employer, regarding payment of social security contributions without the basic obligations of employer according to Slovak legislation on social security being concerned. This agreement must be written and notary certified. The employee submits this agreement to any branch of Social Insurance Agency and respective healthcare provider, where the employee is insured.</p>

ground to information	<ul style="list-style-type: none"> <li>• Regulation,</li> <li>• Implementing regulation,</li> <li>• Decision of the joint committee established by the agreement between European Community and its Member States on one side and Switzerland on the other, about free movement of persons no. 1/2012 from 31 March 2012,</li> <li>• Decision of the EEA joint committee no. 76/2011 from 1 July 2011, amending Annex IV (Social security) and protocol 37 to the EEA Agreement,</li> <li>• Regulation of European Parliament and Council no. 465/2012 from 22 May 2012, which changes and amends Regulation no. 883/2004 and Regulation 987/2009 laying down the procedures for implementation of Regulation No. 882/2004,</li> <li>• Practical handbook</li> </ul>
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