

APPLICATION FOR DETERMINATION OF APPLICABLE LEGISLATION

*of a person, usually carrying out activities as an employed person and activities as a self-employed
person in different EU member states*

A. Personal details

1. Identification data

sex: male ☐ female ☐

Title before the name	name	surname	title after the surname
date of birth		place of birth	nationality
surname at birth		birth number (in case of a foreigner state the ID number assigned by SIA)	

2. Address of residence

(place of residence is, where a person resides, where he has family, property, centre 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
state	phone no.	e-mail
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

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B. Employer information

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

Name	ID (IČO)	
<input type="text"/>	<input type="text"/>	
Street and number	city (town)	postal code
<input type="text"/>	<input type="text"/>	<input type="text"/>
state	contact person (name, surname, phone no., e-mail)	
<input type="text"/>	<input type="text"/>	
number of administrative staff working in the company	<input type="text"/>	
place and member state, where agreements are being signed with clients and employer contracts with employees	<input type="text"/>	
state, from which the company is managed	<input type="text"/>	

4. 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

5. Type of activity performed for the employer

6. Place of execution of work for the employer

street and number	city	postal code	state
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Member state of the EU

☐ yes ☐ no

Switzerland

☐ yes ☐ no

EEA States (Iceland, Liechtenstein, Norway)

☐ yes ☐ no

7. Working time h. / month

8. Monthly salary (brutto) €

9. Other information

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

Boat flag (seamen fill in)

Home base (flight crew fills in)

10. 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)

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

11. 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)

C. Information about self-employment

(if you are self-employed in several Member States, fill in the points 13 to 18 for each Member State on a separate sheet)

12. Self-employment in a Member State

from to

13. Date of suspension of self-employment

from to

14. The subject of self-employment

15. Place of self-employment

street and number city postal code state

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Member state of the EU

☐ yes ☐ no

Switzerland

☐ yes ☐ no

EEA States (Iceland, Liechtenstein, Norway)

☐ yes ☐ no

16. Working time h. / monthly

17. Revenue earned from self-employment in a member state

Current period:

year revenue €

Previous period:

year revenue €

year	<input type="text"/>	revenue	<input type="text"/>	€
year	<input type="text"/>	revenue	<input type="text"/>	€
year	<input type="text"/>	revenue	<input type="text"/>	€

18. Percentage of working time distributed in individual countries for the previous period

<input type="text"/>	% of activity in	Slovakia
<input type="text"/>	% of activity in (fill in state)	
<input type="text"/>	% of activity in (fill in state)	
<input type="text"/>	% of activity in (fill in state)	

19. Percentage of working time in each country over the next 12 months following the date of application

<input type="text"/>	% of activity in	Slovakia
<input type="text"/>	% of activity in (fill in state)	
<input type="text"/>	% of activity in (fill in state)	
<input type="text"/>	% of activity in (fill in state)	

20. Percentage breakdown of revenue from self-employment in each country for the period of 12 months following the date of application

<input type="text"/>	% of activity in	Slovakia
<input type="text"/>	% of activity in (fill in state)	
<input type="text"/>	% of activity in (fill in state)	
<input type="text"/>	% of activity in (fill in state)	

21. Permanent place of business (state)

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22. Section, under which are self-employed activities 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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23. Person was issued an E 101/PD A1 in a different Member State

☐ yes from to date institution
☐ no

24. Additional information (optional)

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D. 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 date

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; 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. photocopy of **a self-employment document issued in Slovakia- other than a trade license**,
3. photocopy of the **authorization to perform self-employed activities** issued in a different member state **translated to Slovak language** together with the declaration of correct translation of documents in foreign language, except Czech,
4. form E 101/PD A1 if issued by a competent institution of another member state as stated in point 24. of this application,
5. photocopy of a document stating residence of a foreign person on the territory of Slovakia, if issued,
6. **in case of persons residing outside of Slovakia – PD A1, or a notice on the provisional determination of applicable legislation, issued by competent institution of social security in the state of residence according to art.16 (2) of implementing regulation (ES) no. 987/2009 from 16th September 2009, regulating the procedures of implementing regulation**,
7. **the declaration of correct translation of documents in foreign language**, except Czech form is available at **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,
8. other relevant documents needed to assess correct belonging to jurisdiction applicable (state their name and number):

E. 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. Before completing the application **read carefully** the instructions for filling in and information on obligation. **The content and form of the application may not be changed.** All required data must be filled in.
2. The application shall be turned in to Social Insurance Agency, headquarters, **by the respective branch of Social Insurance Agency.**
3. **PD A1 "Confirmation of social security legislation applicable to the holder"** shall be issued by the Social Insurance Agency, headquarters on the basis of the assessed application within no more than 60 days, and PD A1 shall be sent by post to the address indicated in the second point of the application. The applicant shows the PD A1 in case of social security controls. PD A1 is kept by the applicant even after expiration. The employer may make a photocopy of PD A1. If the application is not bound by Slovak legislation, he will be given notice about it in not more than 60 days in a written form.
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, indifferntiated activities in households producing goods and services for own use; U – ctivities 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 an attachment to application)

article 13 (3) of Regulation	A person, usually pursuing activities as employed or self employed in different member states, <u>is subject</u> to the legislation of Member State, where he/she pursues an activity as an employee.
the obligation of a person pursuing an activity in two or more Member States	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.
PD A1, employers' obligations according to Slovak legislation on social security under Art. 21(1) of Implementing regulation	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. 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.
agreement on payment of social security contributions- Art. 21 (2) of Implementing Regulation	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.

ground to information	<ul style="list-style-type: none"> • Regulation, • Implementing regulation, • 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, • 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, • 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, • Practical handbook
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