

**AGREEMENT  
BETWEEN  
ROMANIA  
AND  
MONTENEGRO  
ON SOCIAL SECURITY**

Romania and Montenegro, hereinafter referred to as "The Contracting States",

Being desirous of regulating and developing the relations between the two states in the field of social security,

Have agreed as follows:

## **Part I**

### **General provisions**

#### **Article 1**

##### **Definitions**

(1) For the purpose of the application of this Agreement, the following terms and expressions mean:

1. "territory":

As regards Romania: the entire State territory of Romania, including the territorial sea and the air space above them, where Romania exercises its sovereignty as well as the contiguous zone, the continental shelf and the exclusive economic zone where Romania exercises sovereign rights and jurisdiction, in accordance with its laws and with the rules and principles of the international public law.

As regards Montenegro: the sovereign territory of Montenegro;

2. "national of a Contracting State":

For Romania: a person having Romanian citizenship.

For Montenegro: a person having Montenegrin citizenship;

3. "legislation": the laws and the other statutory acts governing the fields specified in Article 2;

4. "competent authority": the ministries responsible for the fields specified in Article 2;

5. "institution": the body or authority responsible for applying the legislation specified in Article 2;

6. "competent institution": the institution at which the concerned person is insured at the date at which he/she requires the benefit, the institution at which the concerned person is or would be entitled to benefits, the institution designated by the competent authority of the respective Contracting State;

7. "insured person": the person who is or has been subject to the legislation specified in Article 2;

8. "period of insurance": the periods of contribution and the equivalent periods completed under the legislation of either Contracting State;
  9. "benefit": benefits in cash and benefits in kind;
  10. "benefits in cash ": pensions, allowances, indemnities and other cash benefits, as well as all the completions, supplements, raises or their adjustments according to the legislation mentioned at Article 2;
  11. "benefits in kind": medical services and other benefits that are not benefits in cash, provided for by the legislation that regulates the fields referred to in Article 2;
  12. "residence": ordinary residence;
  13. "stay": temporary residence;
  14. " members of the family": persons defined as such by the legislation applied by the competent institution;
  15. "liaison body": the institution responsible for the coordination and exchange of information for the purpose of the application of this Agreement;
- (2) Other terms and expressions which are used in this Agreement shall have the meaning assigned to them by the legislation of each Contracting State.

## **Article 2**

### **Material scope**

(1) This Agreement shall apply:

A. As regards Montenegro, to the legislation on:

1. health insurance, health protection and maternity;
2. pension and invalidity insurance;
3. accidents at work and occupational diseases insurance;
4. unemployment indemnity;
5. child allowance.

B. As regards Romania, to the legislation on:

1. indemnity for temporary work incapacity caused by usual diseases or accidents outside work;
2. maternity indemnity;

3. pension for age limit, early retirement, partial early retirement, hereinafter referred to as old age pensions, invalidity pension, survivors 'pension granted in the public pension system;
4. benefits in kind in case of sickness and maternity;
5. benefits in kind and cash benefits in case of work accidents and occupational diseases;
6. death grant awarded in the public pension system;
7. unemployment indemnity;
8. state child allowance.

(2) This Agreement shall also apply to all legislation which replaces, codifies, amends or supplements the legislation on the benefits specified in paragraph 1 of this Article.

### **Article 3**

#### **Personal scope**

This Agreement shall apply to:

1. all persons who are or have been subject to the legislation of either or both Contracting States;
2. the persons whose rights derive, in accordance with the applicable legislation, from the persons specified under paragraph (1) of this Article.

### **Article 4**

#### **Equality of treatment**

Unless otherwise provided for in this Agreement, the persons mentioned at Article 3 shall benefit from the same treatment under the legislation of one Contracting State as its own nationals.

### **Article 5**

#### **Export of benefits**

(1) Unless otherwise provided for in this Agreement, the benefits cannot be reduced, modified, suspended or terminated on grounds that the beneficiary has the residence in the territory of the other Contracting State.

(2) The provisions of paragraph (1) of this Article shall not apply:

1. As regards the Montenegro, to minimum pension, unemployment indemnity, the right to funeral aid, child allowance;
2. As regards Romania, to unemployment benefits, state child allowances, special non-contributory cash benefits e.g. social indemnity for pensioners.

## **Article 6**

### **Prevention of overlapping of benefits**

- (1) This Agreement cannot confer or maintain the right to two or more benefits that cover the same contingency, granted for the same period of insurance.
- (2) The provisions of paragraph (1) of this Article shall not apply to benefits in respect of invalidity, old age, death grants or occupational disease which are paid by the competent institutions of both Contracting States, in accordance to the provisions of Article 23 and Article 28, point b.

## **Article 7**

### **Recognition of certain facts or events**

If any fact, under the legislation of a Contracting State has legal effect upon the benefits, the institution of this Contracting State shall take into account the same fact occurred in the territory of the other Contracting State as if it had occurred on its territory.

## **Part II**

### **Applicable legislation**

## **Article 8**

### **General rules**

Unless otherwise provided for in this Agreement:

- (1) the persons who are employed in the territory of a Contracting State shall be subject only to the legislation of that Contracting State, even if they reside in the territory of the other Contracting State, or if the employer resides or has his registered office in the territory of the other Contracting State;
- (2) self-employed persons who pursue their activity in the territory of either Contracting State shall be subject to the legislation of that Contracting State even if they reside in the territory of the other Contracting State.

## **Article 9**

### **Special rules**

- (1) A person who is employed in the territory of either Contracting State by an employer that carries out substantial activity in the territory of this Contracting State and who is posted by his employer in the territory of the other Contracting State to pursue a certain activity shall continue to be subject to the legislation of the first Contracting State for the duration of that activity, provided that the anticipated duration of the activity does not exceed a period of 24 months.

(2) The self-employed person who normally pursues his activity in the territory of either Contracting State and pursues an activity in the territory of the other Contracting State shall continue to be subject to the legislation of the first Contracting State, provided that the anticipated duration of this activity does not exceed 24 months.

(3) If the period of activity carried out exceeds 24 months, the legislation of the first Contracting State mentioned in paragraphs 1 and 2 of this Article shall continue to apply, with the prior consent of the competent authority of the other Contracting State or the institution designated by it, for an additional period of maximum of 24 months.

(4) Civil servants and the persons considered as such sent in the territory of the other Contracting State are subject to the legislation of the Contracting State in whose administration they are employed.

(5) The person employed in an international transport undertaking having its registered office in the territory of one Contracting State and who, on its own account or for a third party, operates international transport services for passengers or goods by rail, road, air or inland waterway shall be subject to the legislation of that Contracting State. However, a person employed by a branch or permanent representation of the aforementioned undertaking shall be subject to the legislation of the Contracting State in which territory such branch or permanent representation is situated.

(6) The person carrying out an activity on board a vessel flying the flag of a Contracting State shall be subject to the legislation of the Contracting State whose flag the vessel is flying.

## **Article 10**

### **Members of the diplomatic missions and consular posts**

(1) Members of the diplomatic missions and consular posts sent in mission in the territory of the second Contracting State shall be subject to the legislation of the sending Contracting State.

(2) The technical and administrative staff of the diplomatic missions and consular posts, as well as the private domestic personnel of the members of such missions or posts, who are posted in the territory of the second Contracting State, shall be subject to the legislation of the sending Contracting State.

(3) The persons mentioned in paragraph (2) of this Article who have not been posted shall be subject to the legislation of the Contracting State in whose territory they carry out their activity, and the diplomatic mission and the consular post, as well as the members of the diplomatic missions and consular posts who employ them, shall observe the legislation referring to the employer.

(4) Employees who are nationals of the Contracting State to which the diplomatic mission or consular post belongs to, may opt to be subject to the legislation of that Contracting State, within the period of 3 months following the date of their engagement.

## **Article 11**

### **Exceptions**

The competent authorities of both Contracting States or the institutions designated by those may agree on exceptions to the provisions of Articles 8 - 10 in the interest of a person or a category of persons.

## **Part III**

### **Special provisions**

#### **Section 1**

#### **Sickness and maternity benefits**

### **Article 12**

#### **Aggregation of periods of insurance**

(1) If the legislation of either Contracting State makes entitlement to benefits conditional upon the completion of periods of insurance, the competent institution of this Contracting State shall, if necessary, take account of the periods of insurance completed under the legislation of the other Contracting State, in so far as they do not overlap, as if they were periods of insurance completed under the legislation of the first Contracting State.

(2) As far as the benefits in cash in the event of sickness or maternity are concerned, the provisions of paragraph (1) of this Article shall apply only if the person concerned pursues an activity in the territory of the Contracting State where the request was made.

### **Article 13**

#### **Benefits in kind in case of emergency during the stay in the territory of the other Contracting State**

(1) Persons who fulfil the conditions required by the legislation of either Contracting State for the entitlement to benefits and whose condition requires granting of benefits in kind in case of emergency while they stay in the territory of the other Contracting State, shall receive benefits in kind from the institution of the place of stay in accordance with the provisions of the legislation it applies, at the expense of the competent institution.

(2) The provisions of paragraph (1) of this Article shall also apply to the award of benefits in kind to the members of the family of the person concerned.

(3) The provisions of this Article do not apply if the purpose of travel is to obtain a planned medical treatment in the territory of the other Contracting State.

## **Article 14**

### **Benefits in kind for the posted persons and their family members**

- (1) The persons mentioned at Article 9 and Article 10 of this Agreement are entitled to benefits in kind in the territory of the Contracting State where are posted, according to its legislation, on the expense of the competent institution.
- (2) The provisions of paragraph (1) of this Article shall apply to the family members too.

## **Article 15**

### **Benefits in kind in case of residence in the territory of the other Contracting State**

- (1) The person who has the residence in the territory of a Contracting State and who fulfils the conditions for entitlement to benefits in kind according to the legislation of the other Contracting State, receives, in the territory of the Contracting State where he/she resides, the benefits in kind provided by the institution of the place of residence, in accordance to the provisions of the legislation it applies, on the expense of the competent institution.
- (2) The provisions of paragraph (1) of this Article shall also apply to the family members, if they are not entitled to these benefits in accordance to the legislation of the Contracting State in whose territory they reside.

## **Article 16**

### **Benefits in kind for the pensioners and the members of their family**

- (1) A pensioner receiving a pension under the legislation of one of the Contracting State and whose condition requires the provision of benefits in case of emergency, when he/she is staying on the territory of the other Contracting State, he/she receives benefits in kind from the institution of the place of stay, according to the provisions of legislation it applies, at the expense of the competent institution.
- (2) A pensioner receiving a pension under the legislation of both Contracting States shall receive benefits in kind under the legislation of the Contracting State in whose territory he/she resides, as if he/she were a pensioner under the legislation of that Contracting State only.
- (3) A pensioner receiving a pension under the legislation of either Contracting State who is residing in the territory of the other Contracting State shall be entitled to benefits in kind to the same extent as if he/she were entitled to it provided that he/she resided in the territory of the first Contracting State. Benefits in kind are awarded by the institution of the place of residence according to the provisions of the legislation it applies as if the person concerned were entitled to the mentioned benefits under that legislation. Cost of benefits shall be borne by the competent institution of the first Contracting State.
- (4) The provisions of paragraphs (1), (2) and (3) of this Article shall also apply to the members of the family of the pensioner.



## **Article 17**

### **The provision of prosthesis, medical devices and other substantial benefits in kind**

(1) The prosthesis, medical devices and other substantial benefits in kind, which will be mentioned in the Administrative Arrangement, shall be provided with the authorization of the competent institution at which the respective person is insured, except the situation in which the awarding of benefit cannot be postponed without endangering the life or health of the person concerned.

(2) The modality in which the prosthesis, medical devices and other substantial benefits in kind are provided shall be in accordance with the legislation of the Contracting State in whose territory the benefits are provided to the person.

(3) The provisions of paragraphs 1 and 2 of this Article is applicable to the persons foreseen at Articles 13 and 14 of this Agreement.

## **Article 18**

### **Benefits in cash in the event of stay or residence in the territory of the other Contracting State**

Benefits in cash in the event of stay or residence in the territory of the other Contracting State are paid by the competent institution in accordance to the provisions of the legislation it applies.

## **Article 19**

### **Institutions awarding benefits in kind**

The institutions that award the benefits provided for in articles 13, 14, 15, 16, 17 shall be designated by the competent authorities through the Administrative Arrangement.

## **Section 2**

### **Old age, invalidity and survivors 'pensions**

## **Article 20**

### **Determination of benefits without the aggregation of the insurance periods**

If a person fulfils the conditions necessary for receiving a benefit in accordance with the legislation of either Contracting State without taking into account the periods of insurance completed under the legislation of the other Contracting State, the competent institution calculates the benefits only in accordance with the periods of insurance completed under the legislation it applies.

## **Article 21**

### **Aggregation of the insurance periods**

(1) If a person does not fulfil the requirements for receiving a benefit in accordance with the legislation of one Contracting State without taking into account the periods of insurance completed under the legislation of the other Contracting State and if the legislation of a Contracting State makes the entitlement to benefits conditional upon the completion of a certain period of insurance, the institution which applies that legislation shall take into account, if necessary, the periods of insurance completed under the legislation of the other Contracting State, in so far as they do not overlap, as if they were periods completed under the legislation of the first Contracting State.

(2) If the legislation of one Contracting State makes the entitlement to certain benefits conditional upon the completion of a certain period in an occupation covered by a special scheme or in a specific occupation or employment, the periods completed under the legislation of the other Contracting State shall not be taken into account for determining the entitlement to such benefits unless they are completed under a corresponding scheme or, in the absence of such a scheme, in the same occupation or in the same employment, as appropriate.

## **Article 22**

### **The aggregation of periods of insurance completed under the legislation of a third State**

If a person does not have the right to a benefit taking into consideration the periods of insurance completed under the legislation of both Contracting States, the right to that benefit is established by aggregating those periods with the periods of insurance completed in the territory of a third State with whom the Contracting State who makes the aggregation has a social security agreement or an equivalent legal instrument which regulates the aggregation of periods of insurance.

## **Article 23**

### **Pro rata temporis calculation of benefits**

(1) Where a person has been successively or alternatively subject to the legislations of both Contracting States, the institution of either Contracting State shall determine, in accordance to the legislation it applies, whether this person is entitled to benefits, considering where appropriate the provisions of Article 21.

(2) In this event, the competent institution calculates the benefits as follows:

1. the theoretical amount of the due benefits shall be calculated as if all the periods of insurance were completed under the legislation applied by this institution;
2. then, on the basis of the amount calculated as referred to subparagraph 1, the actual amount of benefit shall be computed as a proportion between periods of insurance completed

exclusively according to its legislation and a total of periods of insurance taken into account for calculating the benefit.

(3) If according to the legislation of a Contracting State the amount of the benefit is determined based on incomes, wages, contributions or other average values, the competent institution, on the occasion of pro-rata calculation, shall determine the calculation base of the benefit, exclusively on incomes, wages, contributions or other average values obtained according to its own legislation.

(4) If the amount of the benefit is determined taking into account the number of the beneficiaries, the competent institution takes also account of the persons who reside or stay in the territory of the other Contracting State.

#### **Article 24**

##### **Period of insurance of less than one year**

(1) Notwithstanding the provisions of Article 21, where the total period of insurance completed under the legislation of a Contracting State is less than one year and if, on the basis of this period only, no right is acquired under that legislation, the institution of that Contracting State shall not be bound to award benefits in respect of that period.

(2) The periods of insurance referred to in paragraph (1) of this Article shall be taken into account by the competent institution of the other Contracting State according to the provisions of Article 23, as if those periods were completed under the legislation it applies, with the exception of the provisions of Article 23, paragraph 2, point 2.

#### **Section 3**

##### **Benefits in the event of work accident and occupational disease**

#### **Article 25**

##### **Benefits in kind**

(1) Benefits in kind in case of work accident and occupational disease that the insured person is entitled to receive under the legislation of one Contracting State shall be awarded on behalf and on the expense of the competent institution, by the institution of the place of stay or residence, in accordance with the provisions of the legislation it applies.

(2) The granting of prostheses, medical devices and other substantial benefits in kind is subject to prior approval of the competent institution, except where the benefit cannot be postponed without endangering the life or health of the person concerned.

## **Article 26**

### **Cash benefits**

Cash benefits in case of work accident or occupational disease are paid by the competent institution according to the provisions of the legislation it applies.

## **Article 27**

### **Exposure to the same contingency in both Contracting States**

(1) When an insured person who has contracted an occupational disease, has pursued, under the legislation of both Contracting States, an activity which is likely to cause that disease, the benefits that he/she or his/her survivors may claim shall be awarded exclusively under the legislation of the latter Contracting State in whose territory was pursued the activity susceptible of causing the disease.

(2) If, under the legislation of either Contracting State, the right for granting the benefits in respect of an occupational disease is subject to the condition that the disease in question being first diagnosed within in its territory, such condition shall be deemed to be satisfied if the disease was first diagnosed in the territory of the other Contracting State.

(3) If under the legislation of either Contracting State the right for granting the benefits in respect of an occupational disease is subject to the condition that an activity, likely to be the cause of the risk, was pursued for a certain length of time, for the calculation of the benefits there shall also be taken into account the periods during which such an activity was pursued in the territory of the other Contracting State.

## **Article 28**

### **Benefits in case of aggravation of an occupational disease**

In case of aggravation of an occupational disease of an insured person which has received or is receiving benefits under the legislation of either Contracting State, the following provisions shall apply:

a) if the concerned person has pursued, under the legislation of the other Contracting State, an activity that is not liable to cause or aggravate the disease in question, the competent institution of the first Contracting State shall bear the cost of the benefits, taking into account the aggravation, according to the legislation it applies.

b) if the occupational disease was aggravated as a consequence of pursuing, on the territory of the other Contracting State, of an activity which implies the existence of a similar risks, the competent institution of the first contracting State will bear the costs of benefits, without taking into account the aggravation, according to the provisions of the legislation it applies. The competent institution of the other Contracting State shall grant the person concerned a supplement whose amount shall be equal to the difference between the amount of the benefit due after the aggravation and the amount of the benefit that would have been due before the

aggravation, under the legislation it applies, if the disease would have been produced under the legislation of that Contracting State.

## **Article 29**

### **Institutions awarding benefits in kind**

The provisions of Article 19 shall apply mutatis mutandis also for the domain of work accidents and professional diseases.

## **Section 4**

### **Unemployment benefits**

## **Article 30**

### **The aggregation of periods of insurance**

If the legislation of either Contracting State makes entitlement to benefits conditional upon the completion of periods of insurance, the competent institution of this Contracting State shall take account, to the extent necessary, of periods of insurance completed under the legislation of the other Contracting State, in so far as they do not overlap.

## **Article 31**

### **The award of benefits**

- (1) The provisions of Article 30 shall apply only if the person concerned have lastly completed insurance periods under the legislation of the Contracting State where benefits are requested.
- (2) Where the legislation applied by the competent institution provides for the calculation of the amount of benefit based on the wage or income previously earned, for establishing the amount of benefits shall be taken into consideration only the wage or the income earned from the activity pursued on the territory of the respective Contracting State.
- (3) Paragraph (2) is applied also when the legislation applied by the Competent Institution provides for a period of reference for determining the wage or income based on which the amount of unemployment benefit is calculated.

## **Section 5**

### **Children allowances**

## **Article 32**

### **The aggregation of periods of insurance**

If the legislation of either Contracting State makes entitlement to benefits conditional upon the completion of insurance periods, the competent institution of that Contracting State shall take into account the insurance periods completed under the legislation of the other Contracting State, to the necessary extent as far as they do not overlap, as if they were periods completed under the legislation of the first Contracting State.

## **Article 33**

### **The granting of children allowances**

Children allowances shall be provided under the legislation of each Contracting State, and if there is a right to such benefits in both Contracting States, these will be granted according to the legislation of the Contracting State where the child has his/her residence.

## **Part IV**

### **Miscellaneous provisions**

## **Article 34**

### **Administrative and co-operation measures**

- (1) The competent authorities of both Contracting States shall determine the necessary measures for the application of this Agreement.
- (2) The competent authorities:
  1. shall agree upon the Administrative Arrangement for the application of this Agreement;
  2. shall establish the liaison bodies in order to achieve direct connections between the institutions of the Contracting States;
  3. shall mutually inform about the changes in the legislations of the Contracting States, in so far as these changes affect the application of this Agreement.
- (3) The competent authorities and competent institutions of the Contracting States shall grant mutual assistance on the application of this Agreement as if they applied their own legislation. Such administrative assistance shall be free of charge.
- (4) If a person residing or staying in the territory of either Contracting State claims benefits or is receiving benefits under the legislation of the other Contracting State and a medical examination is needed, the institution of the place of residence or stay of the first Contracting State shall pursue the examination at the request and at the expense of the competent institution of the second Contracting State. If the medical examination is needed for the application of the legislations of both Contracting States, it shall be made by the institution of the place of stay or residence, at its own expense.
- (5) Any data or information concerning a certain person, communicated according to this Agreement shall be considered confidential and only be used for the purpose of the application of this Agreement.

## **Article 35**

### **Use of official languages**

- (1) For the purpose of the application of this Agreement, the authorities and the institutions of both Contracting States may communicate with each another directly in their official languages or in English.
- (2) The claims or documents shall not be rejected on the ground that they are written in the official language of the other Contracting State.

## **Article 36**

### **Exemption from charges and authentication**

- (1) Total or partial exemption from any legal dues according to the legislation of one Contracting State for the certificates or other documents submitted under the legislation of that Contracting State, shall also apply to certificates or other similar documents issued by the authorities of the other Contracting State in the application of this Agreement.
- (2) The two Contracting States shall mutually recognise all the papers, documents or certificates of any kind required for the application of this Agreement as they were issued by emitting authorities, being exempted from authentication.

## **Article 37**

### **Submission of a claim**

- (1) The claims for benefits submitted under the legislation of either Contracting State, shall be considered as claims for corresponding benefits based on the legislation of the other Contracting State.
- (2) The date at which these claims were submitted to an authority or competent institution of a Contracting State shall be considered as the date of submitting the claim to the authority or competent institution of the other Contracting State. This provision is not applied however if the claimant requests to postpone the granting of old age benefits based on the legislation of a Contracting State.

## **Article 38**

### **Reimbursement**

- (1) The competent institution shall refund, for each case, the actual costs for the benefits awarded according to the provisions of articles 13, 14, 15, 16, 17 and 25, to the institution which provides the benefits, except for the administrative expenses.
- (2) The actual costs of the benefits shall be calculated by the institution which provides the benefits at tariffs or prices charged for its own insured persons.

(3) The liaison bodies of both Contracting States may agree on other arrangements for the reimbursement of the costs, including for their compensation between institutions or the payment of lump sums, instead of individual payments.

### **Article 39**

#### **Recovery of undue payments**

(1) If the institution of one Contracting State has paid to the beneficiary of benefits a sum that exceeds the one he/she was entitled to, that institution may, under the conditions provided by the legislation it applies, request the institution of the other Contracting State, debtor of benefits in favour of that beneficiary, to retain the sum overpaid from the sums due to that beneficiary.

(2) That institution shall make the deduction under the conditions and within the limits permitted by the legislation it applies for the recovery, as if the overpayment had been made by it, and shall transfer the amount so deducted to the creditor institution.

### **Article 40**

#### **Enforcement procedure**

(1) Enforceable court decisions of one Contracting State as well as enforceable documents issued by an authority or institution of either Contracting State, in respect of social insurance contributions and other debts, shall be recognized in the territory of the other Contracting State.

(2) Recognition may be refused only if it is contrary to the public order of the Contracting State in whose territory the recognition of the decision or the document is required.

(3) Enforceable decisions and documents, recognized in accordance with paragraph (1) of this Article shall be enforced in the territory of the other Contracting State. The decisions and documents shall contain the confirmation of the fact that they are enforceable. The enforcement procedure shall be in compliance with the legislation of the Contracting State in whose territory the decision is enforced.

### **Article 41**

#### **Currency of payment**

(1) The benefits debtor institution granted according to the legislation of one of the Contracting State sets the benefit in the currency of that Contracting State.

(2) The payment of the benefit mentioned at paragraph 1 of this Article in case of beneficiaries who reside or stay in the territory of the other Contracting State is made in Euro.

(3) The payments between the institutions of the Contracting States is made in Euro.



## **Article 42**

### **Settlement of disputes**

- (1) Any dispute on the interpretation or application of this Agreement shall be settled by consultations between the competent authorities of the Contracting States.
- (2) If the disputes could not be settled in accordance with paragraph (1) of this Article, they shall be settled, by the Contracting States through diplomatic channels.

## **Part V - Transitional and final provisions**

### **Article 43**

#### **Transitional provisions**

- (1) This Agreement shall not open any rights for the period before its entry into force.
- (2) All periods of insurance completed under the legislation of either Contracting State before the entry into force of this Agreement shall be taken into account for the purpose of determining the rights arising from the provisions of this Agreement.
- (3) Subject to paragraph (1) of this Article, a right may arise under this Agreement even if it is reported to a contingency before its entry into force.

### **Article 44**

#### **Entry into force**

- (1) This Agreement shall be subject to ratification by the Contracting States.
- (2) The Contracting States shall mutually notify, through diplomatic channels, the completion of the internal procedures required for its entry into force.
- (3) This Agreement shall enter into force on the first day of the month following the expiration of a two months period from the date of the latter notification provided for in paragraph (2) of this Article.

### **Article 45**

#### **Duration and denunciation of the Agreement**

- (1) This Agreement is concluded for an indefinite period.
- (2) Either Contracting State may denounce it, by diplomatic channels, by a written notification sent to the other Contracting State, at least six months before the end of that calendar year. In this event, the Agreement shall be deemed terminated beginning with the first day of the next calendar year.

## **Article 46**

### **The effects of the Agreement on the rights gained or to be acquired**

- (1) In the event of denunciation of this Agreement, the rights to the benefits granted on the basis of its provisions are maintained.
- (2) The rights to the benefits to be acquired for periods accomplished before the date of the Agreement's termination are maintained and the claims submitted before the Agreement's termination shall be treated in accordance to its provisions.

Signed at \_\_\_\_\_, on \_\_\_\_\_, in two original copies, each in Romanian, Montenegrin and English languages, all texts being equally authentic. In case of differences of interpretation, the text in English shall prevail.

**For**  
**Romania**

**For**  
**Montenegro**