

No. 9204

**NETHERLANDS
and
TURKEY**

Convention on Social Security (with Protocol of Signature and Administrative Agreement concerning the manner of application of the Convention, signed at The Hague, on 14 June 1967). Signed at Ankara, on 5 April 1966

Official text : French.

Registered by the Netherlands on 29 August 1968.

**PAYS-BAS
et
TURQUIE**

Convention sur la sécurité sociale (avec Protocole de signature et Arrangement administratif relatif aux modalités d'application de la Convention, signé à La Haye, le 14 juin 1967). Signé à Ankara, le 5 avril 1966

Texte officiel français.

Enregistré par les Pays-Bas le 29 août 1968.

No. 9204. CONVENTION ¹ BETWEEN THE KINGDOM OF
THE NETHERLANDS AND THE REPUBLIC OF TURKEY
ON SOCIAL SECURITY. SIGNED AT ANKARA, ON
5 APRIL 1966

Her Majesty the Queen of the Netherlands and

The President of the Republic of Turkey,

Desiring to regulate relations between the two States in the matter of
social security,

Have agreed on the following provisions :

TITLE I

GENERAL PROVISIONS

Article 1

For the purpose of this Convention :

a. The term "legislation" means the existing and future laws, regulations and statutory instruments concerning the schemes and branches of social security referred to in article 2, paragraph 1 ;

b. The term "territory" means :

In the case of the Netherlands : the territory of the Kingdom in Europe ;

In the case of Turkey : the national territory ;

c. The term "nationals" means :

In the case of the Netherlands : persons of Netherlands nationality ;

In the case of Turkey : persons of Turkish nationality ;

d. The term "competent authority" means :

In the case of the Netherlands : the Minister of Social Affairs and Public Health ;

In the case of Turkey : the Minister of Labour ;

e. The term "institution" means the agency or authority responsible for applying all or part of the legislation ;

¹ Came into force on 1 February 1968, the first day of the month following that of the exchange of instrument of ratification which took place at The Hague on 29 January 1968 in accordance with article 46.

f. The term “competent institution” means the institution with which the person concerned is insured at the time of the application for benefits or against which he has or would continue to have an entitlement to benefits if he was resident in the territory of the Contracting Party in which he was last employed ;

g. The term “competent country” means the Contracting Party in whose territory the competent institution is situated ;

h. The term “residence” means habitual residence ;

i. The terms “institution of the place of residence” and “institution of the place of temporary residence” mean respectively the institution authorized to provide the relevant benefits at the place in which the person concerned is resident and the institution authorized to provide the relevant benefits at the place in which the person concerned is temporarily resident in accordance with the legislation of the Contracting Party applied by that institution, or, if there is no such institution, the institution designated by the competent authority of the Party concerned ;

j. The term “dependants” means the members of the employed person’s family who are regarded as beneficiaries by the legislation of the country in which they are resident ;

k. The term “survivors” means persons defined or accepted as such by the applicable legislation ;

l. The term “insurance periods” includes contribution periods or periods of employment which are defined or taken into account as insurance periods in accordance with the legislation under which they have been completed, as well as any substitute periods in so far as they are recognized by that legislation as equivalent to insurance periods or periods of employment ;

m. The terms “benefits”, “pensions” or “annuities” mean benefits, pensions or annuities including any payments out of public funds, increases, adjustments or supplementary allowances, as well as any lumpsum payments made in lieu of pensions or annuities.

Article 2

Paragraph 1. This Convention shall apply :

a. In the Netherlands, to the legislation concerning :

1. Sickness insurance (benefits in cash and in kind in the event of sickness or maternity) ;
2. Invalidity insurance ;

3. Old age insurance ;
 4. Widows' and orphans' insurance ;
 5. Unemployment insurance ;
 6. Family allowances ;
 7. The special schemes for persons employed by coal-mining enterprises ;
- b. In Turkey, to the legislation concerning :
1. The social insurance schemes for employed persons :
 - (i) Sickness-maternity insurance,
 - (ii) Invalidity, old-age, death insurance,
 - (iii) Industrial accident and occupational disease insurance ;
 2. The workmen's superannuation scheme of the State Railways and Ports Authority ;
 3. The superannuation and assistance scheme of the Military Workshops.

Paragraph 2. This Convention shall also apply to any laws or regulations amending or supplementing the legislation specified in paragraph 1 of this article.

It shall apply to :

- a. Laws or regulations covering a new branch of social insurance, provided that an agreement to that effect is concluded between the Contracting Parties ;
- b. Laws or regulations existing schemes to new categories of beneficiaries, provided that the Government of the Contracting Party concerned raises no objection within a period of three months from the date of notification of the official publication of such laws or regulations.

Article 3

Paragraph 1. The provisions of this Convention shall apply to employed persons or persons treated as such who are or have been subject to the legislation of one of the Contracting Parties and are nationals of one of the Parties, and to their dependants and survivors.

Paragraph 2. The provisions of this Convention shall not apply to career diplomatic or consular agents, including chancellery officials, or to persons who are in the government service of one of the Contracting Parties and are sent by their Government to the territory of the other Party.

Article 4

Nationals of one of the Contracting Parties to whom the provisions of this Convention apply shall be subject to the requirements and entitled to the benefits of the legislation specified in article 2 under the same conditions as nationals of the other Party.

Article 5

Paragraph 1. Pensions or annuities, including increases, acquired under the legislation of one of the Contracting Parties shall not be reduced, modified, suspended, discontinued or confiscated on the ground that the beneficiary is resident in the territory of the Contracting Party other than that in whose territory the institution liable for the benefit is situated.

Paragraph 2. Social insurance benefits of one of the Contracting Parties shall be paid to nationals of the other Contracting Party resident in the territory of a third State under the same conditions and to the same extent as to nationals of the first-mentioned Party resident in the territory of that third State.

Article 6

Paragraph 1. The provisions of this Convention shall not operate to confer or maintain any right to receive, under the legislation of the Contracting Parties, more than one benefit of the same nature or more than one benefit relating to the same insurance period, save where, in the case of old age insurance, liability for payment is divided between the institutions of both Contracting Parties.

Paragraph 2. The provisions of the legislation of one Contracting Party concerning the reduction, suspension or discontinuance of benefits in the event that the beneficiary is simultaneously in receipt of other social security benefits or other income shall apply to him even where the benefits in question are acquired under a scheme of the other Contracting Party or the income is received in the territory of the other Contracting Party.

Paragraph 3. Where the application of this rule results in the reduction or suspension of the benefits payable under the legislation of both Contracting Parties, the amount of each such benefit affected by the reduction or suspension shall not exceed one half of the amount which is not to be paid.

Paragraph 4. The provisions of the preceding paragraph shall not, however, apply in cases where benefits of the same nature are acquired under articles 22 and 23 of this Convention.