

No. 9397

**BELGIUM
and
TURKEY**

**General Convention on social security. Signed at Brussels
on 4 July 1966**

Authentic texts: French, Dutch and Turkish.

Registered by Belgium on 17 July 1968.¹

**BELGIQUE
et
TURQUIE**

**Convention générale sur la sécurité sociale. Signée à Bruxelles
le 4 juillet 1966**

Textes authentiques: français, néerlandais et turc.

Enregistré par la Belgique le 17 juillet 1968¹.

¹ Through an oversight this Convention was not included at the time of receipt in the corresponding monthly statement.

Cette Convention, par suite d'une erreur, n'a pas été incluse dans le relevé mensuel correspondant à la date de sa réception.

[TRANSLATION — TRADUCTION]

GENERAL CONVENTION¹ ON SOCIAL SECURITY BETWEEN THE KINGDOM OF BELGIUM AND THE REPUBLIC OF TURKEY

His Majesty the King of the Belgians and

The President of the Republic of Turkey,

Desirous of guaranteeing the benefits of the legislative provisions concerning social security in force in the two Contracting States to the persons to whom these legislative provisions apply or have been applied,

Have resolved to conclude a Convention and for this purpose have appointed as their plenipotentiaries:

His Majesty the King of the Belgians:

His Excellency Mr. P. De Paepe, Minister of Social Welfare,

The President of the Republic of Turkey:

His Excellency Mr. Fuat Bayramoglu, Ambassador of the Republic of Turkey at Brussels,

Who, having exchanged their full powers, found in good and due form, have agreed on the following provisions:

TITLE I

GENERAL PROVISIONS

Article 1

Belgian or Turkish nationals who are employed persons or persons treated as such under the legislative provisions concerning social security set out in article 2 of this Convention shall be subject to the said legislative provisions in force, respectively, in Turkey or Belgium and shall, together with the legally entitled members of their family, enjoy the benefits thereof under the same conditions as the nationals of the State concerned.

Article 2

Paragraph 1. The legislative provisions concerning social security to which this Convention applies shall be:

¹ Came into force on 1 May 1968, i.e., the first day of the month after the month following that in which the exchange of the instruments of ratification took place (Ankara, 26 March 1968), in accordance with article 48, paragraph 2.

1. In Belgium:

- (a) The legislation concerning sickness and invalidity insurance for wage-earners, salaried employees, miners and merchant seamen;
- (b) The legislation concerning retirement and survivors' pensions for wage-earners, salaried employees and merchant seamen;
- (c) The legislation concerning retirement and survivors' pensions for miners and persons treated as such;
- (d) The legislation concerning family allowances for employed persons;
- (e) The legislation concerning industrial accidents, including the legislation relating to seafarers;
- (f) The legislation concerning occupational diseases.

2. In Turkey:

- (a) The legislation concerning the social insurance schemes for employed persons:
 - (i) Sickness and maternity insurance,
 - (ii) Invalidity, old age and death insurance,
 - (iii) Industrial accident and occupational disease insurance;
- (b) The legislation concerning the workmen's superannuation scheme of the State Railways and Ports Authority;
- (c) The legislation concerning the superannuation and assistance scheme of the Military Workshops.

Paragraph 2. The provisions of this Convention shall not apply to merchant seamen unless an administrative agreement is concluded to that effect.

Paragraph 3. This Convention shall also apply to any laws or regulations amending or supplementing the legislation specified in paragraph 1 of this article.

The above notwithstanding, the Convention shall not apply to:

- (a) Laws or regulations covering a new branch of social security, unless there is an agreement to that effect between the contracting countries;
- (b) Laws or regulations extending existing schemes to new classes of beneficiaries, if the Government of the country concerned lodges an objection with the Government of the other country within a period of three months after the official publication of the said laws or regulations.

Article 3

The provisions of this Convention shall not apply to:

- Career diplomatic and consular officers, including officials on the staff of chancelleries;
- Workers other than employed persons or persons treated as such.

Article 4

Paragraph 1. Employed persons or persons treated as such under the legislation applicable in each contracting country, who are employed in either country, shall be subject to the legislation in force at their place of employment.

Paragraph 2. The following exceptions shall be made to the principle laid down in paragraph 1 of this article:

- (a) Employed persons or persons treated as such who are employed in a country other than that of their normal residence by an enterprise having, in the country of such residence, an establishment to which the persons concerned normally belong shall remain subject to the legislation in force in the country in which they are normally employed, provided that the duration of their employment within the territory of the second country does not exceed twelve months; where, for unforeseeable reasons, this employment is extended beyond the period originally contemplated and exceeds twelve months, the application of the legislation in force in the country in which the said persons are normally employed may, as an exceptional measure, be continued with the agreement of the competent authorities of the country in which the temporary place of employment is situated. The application for extension must be submitted before the twelve-month period expires;
- (b) Employed persons or persons treated as such who belong to public or private transport enterprises in either contracting country and are employed in the other country, whether permanently or temporarily or as travelling personnel, shall be subject exclusively to the provisions in force in the country in which the enterprise has its head office; if, however, the enterprise has a branch or a permanent agency in the territory of the contracting country other than the one in which its head office is situated, persons employed by such branch or permanent agency shall be subject to the legislation of the contracting country in whose territory the branch or permanent agency is situated;
- (c) Employed persons or persons treated as such who belong to official administrative departments and are posted by one contracting country for service in the other contracting country shall be subject to the provisions in force in the country by which they are so posted.

Paragraph 3. The supreme administrative authorities of the contracting countries may provide, by mutual agreement, for exceptions to the rules laid down in paragraph 1 of this article. They may also agree that the exceptions provided for in paragraph 2 shall not apply in specific cases.

Article 5

The provisions of article 4, paragraph 1, shall apply to employed persons or persons treated as such, whatever their nationality, who are employed at the diplomatic or consular posts of Belgium or Turkey or are in the personal employ of agents of such posts.

Nevertheless, employed persons or persons treated as such who are nationals of the State represented by the diplomatic or consular post may opt between the legislation of their country of origin and the legislation of their place of employment. This right of option may be exercised only once.

Article 6

Where the legislation of one of the contracting countries provides for the reduction, discontinuance or suspension of a benefit in the event that the beneficiary is simultaneously in receipt of another social security benefit or income, the benefit acquired under the legislation of the other contracting country or income received in the territory of the other contracting country shall also be chargeable against the recipient of the benefit in question.

This rule is not, however, applicable to the combined amount of two benefits of the same nature calculated in proportion to the duration of the periods completed in the two contracting countries.

TITLE II

SPECIAL PROVISIONS

Chapter I

SICKNESS AND MATERNITY BENEFITS

Article 7

Employed persons and persons treated as such and their dependants who go from Belgium to Turkey or vice versa shall be eligible for sickness insurance benefits in the country of the new place of employment, if such employed persons:

1. Have been in employment for wages or in equivalent employment in that country;
2. Were fit for employment when they last entered the territory of that country;
3. Fulfil the conditions required for eligibility for benefit under the legislation of the country of their new place of employment, account being taken of the period of insurance in the country they have left and the period which has elapsed since they took up employment in the other country.

Article 8

Employed persons and persons treated as such and their dependants who go from Belgium to Turkey or vice versa shall be eligible for maternity insurance benefits in the country of the new place of employment, if such employed persons: