

No. 51639*

**Turkey
and
Serbia**

**Agreement between the Republic of Turkey and the Republic of Serbia on social security.
Belgrade, 26 October 2009**

Entry into force: *1 December 2013, in accordance with article 38*

Authentic texts: *English, Serbian and Turkish*

Registration with the Secretariat of the United Nations: *Turkey, 6 January 2014*

Note: *See also annex A, No. 51639.*

**No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

**Turquie
et
Serbie**

**Accord entre la République turque et la République de Serbie relatif à la sécurité sociale.
Belgrade, 26 octobre 2009**

Entrée en vigueur : *1^{er} décembre 2013, conformément à l'article 38*

Textes authentiques : *anglais, serbe et turc*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *Turquie,
6 janvier 2014*


Note : *Voir aussi annexe A, No. 51639.*

**Aucun numéro de volume n'a encore été attribué à ce dossier. Les textes disponibles qui sont reproduits ci-dessous sont les textes originaux de l'accord ou de l'action tels que soumis pour enregistrement. Par souci de clarté, leurs pages ont été numérotées. Les traductions qui accompagnent ces textes ne sont pas définitives et sont fournies uniquement à titre d'information.*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT
BETWEEN
THE REPUBLIC OF TURKEY
AND
THE REPUBLIC OF SERBIA
ON
SOCIAL SECURITY

The Government of the Republic of Turkey and the Government of the Republic of Serbia being desirous of regulating relations between the two States (hereinafter called "Contracting States") in the field of social security have agreed as follows.



**PART I
GENERAL PROVISIONS**

**Article 1
Definition of terms**

- (1) The terms used in the present Agreement shall be defined as follows:
1. "Territory":
in relation to Turkey, the Republic of Turkey;
in relation to Serbia, the Republic of Serbia;
 2. "Legislation": the laws, by-laws and regulations which relate to the social security field specified in paragraph 1 of Article 2 of this Agreement;
 3. "Competent Authority":
in relation to the Republic of Turkey, Ministry of Labour and Social Security,
in relation to the Republic of Serbia, competent Ministries;
 4. "Competent Institution": the insurance institution responsible for implementing the legislation mentioned in Article 2 of this Agreement and providing the benefits;
 5. "Institution": the institution in charge of applying the legislation mentioned in paragraph 1 of Article 2 of this Agreement;
 6. "Insured Person": the person who is or has been subject to the legislation mentioned in Article 2 of this Agreement;
 7. "Period of Insurance": the period over which insurance contributions have been paid or are deemed to have been paid under the legislation specified in Article 2 of this Agreement;
 8. "Benefit": all benefits or pensions including all components thereof provided out of public funds as well as all increases, revaluation allowances or supplementary allowances, unless otherwise specified in this Agreement;
 9. "Residence": permanent residence;
 10. "Stay": temporary stay;
 11. "Member of family": the persons defined or recognised as member of family by the legislation applied by the competent institution;
 12. "Beneficiary": the persons defined or recognised as such by the legislations of the Contracting States.
 - 13 "Survivor": the persons defined or recognised as survivor by the legislations of the contracting states.



- (2) Any term not defined in this Agreement has the meaning assigned to it in the legislations of the contracting states.

Article 2

Material scope

- (1) This Agreement shall apply to the following legislation:

In relation to the Republic of Turkey:

1. Invalidity, old age, death, work accident and occupational diseases insurances and general health insurance in respect of persons employed under a contract of employment by one or more employer;
2. Invalidity, old age, death insurances in respect of self-employed persons working on their own name and account without a contract of employment;
3. Invalidity, old age, death insurances in respect of persons working in public administrations;
4. Invalidity, old age, death, work accident and occupational diseases insurances and general health insurance in respect of persons employed at the funds mentioned in Provisional Article 20 of Social Insurance Law No. 506 ;
5. Unemployment insurance

In relation to Republic of Serbia:

- 1) Health insurance, medical care and maternity.
- 2) Pension and disability insurance (old-age, invalidity and death).
- 3) Injury at work and occupational diseases.
- 4) Unemployment cash benefits.
- 5) Child allowance.

- (2) This Agreement shall also apply to any legislation which amends, revises or replaces or supplements the legislation specified in paragraph 1 of this Article.

- (3) Application of this Agreement to the legislation concerning a new social security scheme or a new social insurance branch shall be realized through conclusion of a new Agreement between the States for this purpose.

Article 3
Personal scope

Provisions of this Agreement shall apply to persons who had been subject to the legislation of either or both Contracting States or are subject to the legislation of either Contracting States as well as to family members of such persons and to survivors.

Article 4
Equality of treatment

Unless otherwise is provided in this Agreement, the persons who are resident in the territory of either Contracting State and to whom the provisions of this Agreement are applied, shall enjoy the rights provided by the legislation of the Contracting States on the same footing as the nationals of that country.

Article 5
Export of benefits

(1) Unless otherwise is provided in this Agreement, benefits entitled under the legislation of the Contracting State which is responsible for payment shall be paid at the same rate to persons within the scope of Article 3 of this Agreement even when they are resident in the territory of the other Party. In cases they are resident in the territory of a third country, benefits shall be paid in accordance with the legislation of that Contracting State which is responsible for payment.

(2) The provisions of paragraph 1 of this Article shall, not apply to the special benefits granted as assistance or in case of need as well as benefits granted to minimum pension.

PART II
PROVISIONS ON APPLICABLE LEGISLATION

Article 6
General provisions

Unless otherwise is provided in this Agreement:

(1) Persons who are in paid employment in the territory of either Contracting State or self-employed persons who perform their occupation in the territory of either Contracting State shall, with respect to that employment, be subject to the legislation of the Contracting State where they work even if they reside in the territory of the other Contracting State or if their employer or the registered office of their employer is located in the territory of the other Contracting State.

(2) Civil servants and similar personnel of either Contracting State shall be subject to the legislation of the Contracting State the administration of which employs them.