

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:

1. Have been in employment for wages or in equivalent employment in that country;
2. 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 9

In the case of employed persons and persons treated as such and their dependants who go from Turkey to Belgium, the periods mentioned in article 7 (3) and article 8 (2) shall be aggregated only if employment is taken up in Belgium within one month from the termination of employment in Turkey.

Article 10

Dependants of an employed person or of a person treated as such who is entitled to benefits under the legislation of the country in which he is insured shall, when resident in the territory of the contracting country other than the country in which the employed person is insured, be eligible for sickness and maternity insurance benefits in kind, provided that they are not entitled to benefits in kind under the legislation of the country of residence.

Entitlement to such benefits shall be established in accordance with the provisions of the legislation of the country in which the employed person is insured. The dependants covered and the scale and duration of such benefits and the manner of providing them shall be determined in accordance with the provisions of the legislation of the country of residence.

The institution of the country in which the employed person is insured shall repay to the institution of the country of residence three quarters of the costs relating to such benefits, on the basis of a lump sum to be determined by the supreme administrative authorities of the contracting countries.

Article 11

Employed persons and persons treated as such and their dependants shall, while temporarily resident in one of the contracting countries for a period not exceeding a limit to be established in an administrative agreement, be eligible for sickness and maternity insurance benefits in kind in accordance with the legislation of the country of temporary residence, provided that they may claim such benefits under the legislation of the country in which they are insured.

The institution of the country in which the employed persons are insured shall repay to the institution of the country of temporary residence three quarters of the actual costs relating to such benefits, as shown in the books of the institutions which provided them.

Article 12

Employed persons or persons treated as such who have acquired the right to benefits under the legislation of one of the contracting countries shall retain that right if they transfer their residence to the other country, provided that the transfer has been authorized by the competent institution of the country in which they are insured.

The provisions of article 10, second and third paragraphs, shall apply *mutatis mutandis*.

Article 13

Paragraph 1. Where a person in receipt of pensions payable under the legislation of both contracting countries is entitled to benefits in kind under the legislation of the contracting country in whose territory he is resident, account being taken of the aggregation of the insurance periods completed in both countries, such benefits shall be provided for him and for his dependants by and at the expense of the institution of the country of residence as though he were in receipt of a pension solely under the legislation of the latter country.

Paragraph 2. Where a person in receipt of a pension payable solely under the legislation of one of the contracting countries is resident in the territory of the other contracting country, benefits in kind shall be provided for him and for his dependants by the institution of the country of residence as though he were in receipt of a pension under the legislation of the latter country.

Entitlement to such benefits shall be established in accordance with the provisions of the legislation of the country which is liable for the pension. The scale and duration of such benefits and the manner of providing them shall be determined in accordance with the provisions of the legislation of the country of residence.

Such benefits shall be repaid by the competent institution of the country granting the pension, unless the person concerned is, in his country of residence, entitled to the benefits in another capacity.

Paragraph 3. The supreme administrative authorities of the contracting countries may decide that the repayments referred to in article 11 and in paragraph 2 of this article shall be made on the basis of a lump sum to be determined by them.

Chapter II

INVALIDITY BENEFITS OTHER THAN THOSE PROVIDED IN CASE OF INDUSTRIAL ACCIDENT OR OCCUPATIONAL DISEASE

Article 14

Paragraph 1. In the case of Belgian or Turkish employed persons or persons treated as such who have been insured, successively or alternately, in the two contracting countries under one or more invalidity insurance schemes, the in-

insurance periods completed under these schemes or the periods recognized as equivalent to insurance periods by virtue of the said schemes shall be aggregated in accordance with the conditions laid down in article 20, paragraphs 1, 2 and 3, for the purposes both of the determination of the right to benefits in cash or in kind and of the maintenance or recovery of this right.

Paragraph 2. Invalidity insurance benefits in cash shall be paid in accordance with the provisions of the legislation which was applicable to the person concerned at the time when the incapacity followed by invalidity occurred and the cost shall be borne by the institution which is competent according to the said legislation.

Paragraph 3. Nevertheless, any invalidity resulting from an incapacity noted less than one year after the employed person's arrival in a country shall not entitle him to any cash benefits from that country. If the person concerned was previously covered by an invalidity insurance scheme in the other country, he shall be entitled to the cash benefits prescribed by the legislation of that country under the conditions specified in that legislation.

Article 15

Notwithstanding the provisions of article 14, paragraph 2, and if article 23 is not applied, the right to invalidity benefits in the case of workers who have been employed in the mines in Belgium and Turkey shall be determined in accordance with the rules laid down in article 20, paragraph 4, where, due account being taken of the aggregated insurance periods, those workers fulfil the conditions specified in the Belgian legislation concerning the special retirement scheme for miners and persons treated as miners and where the periods of insurance in each country have attained the minimum of one year as required by the said paragraph 4.

Article 16

If, on the date when the incapacity followed by invalidity occurred, the insured person mentioned in article 15 was employed in the Turkish mines, account shall be taken, where appropriate, in determining the amount of the invalidity pension prescribed by the special Belgian retirement scheme for miners and persons treated as miners, of the wage paid in Belgium to employed persons of the occupational category to which the insured person belonged on that date.

Article 17

Paragraph 1. If, after suspension of the invalidity pension or compensation, the insured person recovers his entitlement to benefit, the provision of benefits shall be resumed by the institution liable for the pension or compensation originally granted, where the invalidity is attributable to the incapacity in respect of which such pension or compensation was awarded.

Paragraph 2. If, after discontinuance of the invalidity pension or compensation, the state of health of the insured person justifies the award of an invalidity pension or compensation, the latter shall be provided in accordance with the rules laid down in article 14, account being taken, where appropriate, of the provisions of article 15.

Article 18

For the purpose of establishing entitlement to an invalidity pension or compensation, the period during which the person concerned must have received cash compensation under the sickness insurance scheme prior to the award of the invalidity pension or compensation shall in all cases be that provided for by the legislation of the country in which he was employed at the time when the incapacity followed by invalidity occurred.

Article 19

An invalidity pension or compensation shall, where appropriate, be converted into an old age pension when the conditions laid down by one of the two countries responsible for payment of the old age pension have been fulfilled.

The provisions of chapter III below shall be applied, where appropriate.

Chapter III

OLD AGE AND DEATH BENEFITS (PENSION) OTHER THAN THOSE PROVIDED IN CASE OF INDUSTRIAL ACCIDENT OR OCCUPATIONAL DISEASE

Article 20

Paragraph 1. In the case of Belgian or Turkish employed persons or persons treated as such who have been insured, successively or alternately, in the two contracting countries under one or more old age or survivors' (pension) insurance schemes, the insurance periods completed under these schemes or the periods recognized as equivalent to insurance periods by virtue of the said schemes shall, provided that they do not overlap, be aggregated for the purposes both of the determination of the right to benefits and of the maintenance or recovery of this right.

The periods to be taken into account as equivalent to insurance periods shall, in each country, be those regarded as such under the legislation of that country.

Any period recognized as equivalent to an insurance period under both Belgian and Turkish legislation shall be taken into account, in the payment of benefits, by the institutions of the country in which the person concerned was last employed before the period in question.

Paragraph 2. Where the legislation of one of the contracting countries makes it a condition for the award of particular benefits that the periods should have been completed in an occupation which is subject to a special insurance scheme, for the purpose of qualification for such benefits only the periods completed under the corresponding special scheme or schemes of the other country shall be aggregated. Even if in one of the contracting countries there is no special scheme governing the particular occupation, the periods completed in the said occupation under one of the schemes referred to in paragraph 1 above shall nevertheless be aggregated.

Where the legislation of one of the contracting countries makes it a condition for the award of particular benefits that the periods should have been completed in an occupation which is subject to a special insurance scheme but the said periods do not entitle the person concerned to benefits under the said legislation, those periods shall be considered valid for the purpose of payment of benefits under the scheme applicable to wage-earners.

Paragraph 3. For the application of the special Belgian retirement scheme for miners and persons treated as miners:

- (a) only periods completed in Turkish mines which would be subject to the said special scheme if they were situated in Belgium may be aggregated with the periods completed under that scheme;
- (b) periods regarded as insurance periods under the legislation of each country shall be taken into consideration as equivalent to insurance periods only if they were immediately preceded or followed by a period completed in the mines. The said periods shall be taken into account, for the payment of benefits, by the institution of the country where the insured person was employed in the mines immediately before the said periods; if the insured person was not employed in the mines before the said periods, these shall be taken into account by the institution of the country where he was employed in the mines immediately after these periods.

Paragraph 4. The benefits which an insured person may claim from the competent institution of either country shall, in principle, be determined by reducing the amount of the benefits to which he would have been entitled if the aggregate of the periods referred to in paragraphs 1 and 2 above had been completed under the scheme administered by that institution, the reduction being effected in proportion to the duration of the periods actually completed under that scheme.

The institution of each country, acting in accordance with the legislation applicable to it and taking into account the aggregate of the periods irrespective of the contracting country in which they were completed, shall determine whether the person concerned satisfies the conditions for entitlement to benefits under the said legislation.

The said institution shall determine the amount of the benefits to which the person concerned would be entitled if all the periods aggregated had been completed exclusively under its own legislation and shall reduce this amount in proportion to the duration of the periods actually completed under that legislation.

Nevertheless, an institution shall not be responsible for a benefit where the periods completed under the legislation to which it is subject do not total one year, being a year comprising the annual minimum number of days of actual employment or of days treated as such as provided by that legislation; in that case, the institution of the other country shall assume full responsibility for the benefits to which the insured person is entitled under the legislation applicable to that institution, account being taken of the aggregate of the periods.

Paragraph 5. If, under the legislation of either contracting country, entitlement to the pension is not conditional upon the completion of a waiting period but is acquired year by year, the competent institution of that country shall calculate the pension entitlement directly and exclusively on the basis of the insurance periods completed in that country and of the periods recognized as equivalent to insurance periods by virtue of the legislation of that country; in that case, the institution concerned shall apply the provisions of the legislation of that country which are applicable to insured persons who, on the date on which the decision takes effect, have attained the normal pensionable age.

Article 21

Paragraph 1. Where an insured person, account being taken of the aggregate of the periods referred to in article 20, paragraphs 1, 2 and 3, does not simultaneously satisfy the conditions required by the legislation of both countries, his right to a pension shall be established under the legislation of each country as and when he satisfies those conditions.

Paragraph 2. The periods during which a pension is paid by the country in which the conditions referred to in paragraph 1 are satisfied shall be treated, for the purposes of eligibility under the legislation of the other country, as insurance periods completed in the firstmentioned country.

Paragraph 3. In the case referred to in paragraph 1 of this article, the pension already paid shall be reviewed in accordance with the provisions of article 20, paragraphs 1 to 4, from the date on which entitlement to the pension was established under the legislation of the other contracting country.

Article 22

Paragraph 1. The right provided for in the Belgian special legislation to receive concurrently the accelerated pension or an old age pension and a miner's wages shall be recognized, under the conditions and within the limits laid down by the said legislation, only in the case of insured persons who continue to work in the Belgian coal-mines.

Paragraph 2. Notwithstanding the provisions of article 20, the grant of the accelerated pension to miners provided for in the Belgian special legislation shall be reserved for those insured persons who satisfy the conditions prescribed by the said legislation, their service in the Belgian coal-mines alone being taken into account.

Article 23

Any insured person may, upon becoming eligible for a pension, waive the benefit of the provisions of article 20 of this Convention. The benefits to which he may be entitled by virtue of the legislation of each country shall then be paid separately by the institutions concerned, independently of the insurance periods or the periods recognized as equivalent thereto completed in the other country.

Article 24

The provisions of articles 20 to 23 shall apply *mutatis mutandis* in the case of survivors' pensions.

Chapter IV

PROVISIONS COMMON TO CHAPTERS II AND III

Article 25

Where the legislation of one of the contracting countries makes the payment of invalidity pensions or compensation or old age, survivors' and family pensions conditional upon residence qualifications, whether such pensions and compensation are payable under article 20 or are calculated solely on the basis of the insurance periods completed under that legislation, those qualifications shall not apply to Belgian or Turkish nationals as long as they are resident in either of the two contracting countries.

However, the person in receipt of an invalidity pension or compensation must obtain the authorization of the competent institution before returning to the territory of the other contracting country or transferring his residence thereto.

Such authorization may be refused only if, for duly certified medical reasons, it would not be advisable for the person concerned to make the journey.

Article 26

If, under the legislation in force in either contracting country, the average wage for the whole of the insured period or for a part thereof is taken into account for the payment of benefits, the average wage to be taken into account for the purpose of computing the benefits to be paid by that country shall be determined on the basis of the wages paid during the insurance period completed under the legislation of the said country.

Article 27

A claim for benefit submitted to one of the institutions with which the person concerned has been insured shall be considered valid by the other competent institutions.

Article 28

For the purposes of the application of Turkish legislation relating to invalidity, old age and death insurance schemes, where an employed person has been subject to a Belgian pension scheme before becoming subject to a Turkish old age insurance scheme, the date on which he first became subject to the said Belgian scheme shall be deemed to be the date on which he first became subject to Turkish legislation.

Chapter V

FAMILY ALLOWANCES

Article 29

Paragraph 1. If the national legislation makes eligibility for family allowances conditional upon the completion of periods of employment or periods treated as such, account shall be taken of the periods completed in both countries.

Paragraph 2. Turkish nationals who are employed in Belgium and whose children are being brought up in Turkey shall be entitled to ordinary family allowances but not any special or increased allowances provided for in the Belgian legislation.

An administrative agreement shall establish, *inter alia*, the categories of children covered, the conditions in which such family allowances are granted, the rate of such allowances and the periods for which they shall be awarded.

Chapter VI

BENEFITS IN CASE OF INDUSTRIAL ACCIDENT
OR OCCUPATIONAL DISEASE*Article 30*

Where the legislation of one of the contracting countries makes the payment of the benefits due in case of industrial accident or occupational disease conditional upon residence qualifications, those qualifications shall not apply to Belgian or Turkish nationals as long as they are resident in either of the two contracting countries.

Article 31

Benefits provided for in the Belgian legislation which are conditional upon need shall be granted only to beneficiaries who are resident in Belgium.

Article 32

Any industrial accident or occupational disease suffered by a Belgian national employed in Turkey or a Turkish national employed in Belgium which has resulted or is apt to result in either death or permanent incapacity, whether total or partial, must be notified by the employer or the competent institutions to the local consular authorities of the country of which the person concerned is a national.

Article 33

Paragraph 1. Where an insured person who has been granted a benefit for an occupational disease in one country submits a claim for benefits for an occupational disease of the same nature under the legislation of the country of the new place of employment, he must submit to the competent institution of the latter country a statement concerning the benefits previously granted for that disease. The institution responsible for granting the new benefits shall take the previous benefit into account as though it had been paid on its responsibility.

Paragraph 2. Where the person concerned is resident in the territory of the contracting country other than that in which the employed person contracted the occupational disease, the claim for benefits may be submitted to the competent institution of the country of residence of the person concerned. In that case, the claim must be drawn up in the form and manner prescribed by the legislation of the country which is responsible for payment.

Article 34

Where the legislation of one of the contracting countries makes it a condition for the award of occupational disease benefits that an activity likely to cause such a disease should have been exercised for a prescribed period, the periods during which the employed person exercised an activity of the same nature in the other country shall also be taken into consideration for the establishment of entitlement to the benefits.

Article 35

Where an employed person has suffered an industrial accident or occupational disease and, after acquiring the right to the benefits for which the competent institution is liable, is authorized by that institution to return to the territory of the other contracting country or to transfer his residence thereto, the provisions of article 13, paragraphs 2 and 3, shall apply *mutatis mutandis* to him and to his dependants.

Chapter VII

FUNERAL BENEFIT OR FUNERAL GRANT

Article 36

Paragraph 1. Employed persons or persons treated as such who go from one country to the other shall become eligible for the funeral benefits or grants provided for by the legislation of the country of the new place of employment, if:

1. They have been in employment for wages or in equivalent employment in that country;
2. They fulfil, at the time of death, 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.

Paragraph 2. When a person in receipt of a pension from the competent institutions of both contracting countries as a result of the aggregation of insurance periods, or a member of his family, dies, the funeral grant or funeral benefit shall be payable by the competent institution of the country in which the employed person was last insured if, account being taken of the aggregated periods, the conditions prescribed by the legislation of that country are fulfilled.

Paragraph 3. When a person in receipt of a pension from the institution of only one of the contracting countries or of a benefit due under the Belgian or Turkish legislation concerning industrial accidents or occupational diseases, or a member of his family, dies, the funeral grant or funeral benefit shall be payable by the competent institution of the country responsible for payment of the pension or benefit, if the conditions prescribed by the legislation of that country are fulfilled.

TITLE III

ADMINISTRATIVE CO-OPERATION

Article 37

Paragraph 1. The administrative authorities and the insurance or social security institutions of the two contracting countries shall assist one another to the same extent, as though the matter were one affecting the application of their own schemes.

The authorities and institutions of each contracting country which shall be empowered to correspond directly with each other for this purpose and, where appropriate, to centralize the claims for and the payment of benefits, shall be determined by virtue of an administrative agreement.

Paragraph 2. The aforementioned authorities and institutions may, as an accessory measure, have recourse for the same purpose to the diplomatic and consular authorities of the other country.

Paragraph 3. The diplomatic and consular authorities of either country may apply directly to the administrative authorities and the national insurance or social security institutions of the other country with a view to obtaining any information required for the protection of the interests of their nationals.

Article 38

Paragraph 1. Exemptions from registration or court fees, stamp duties and consular charges granted by the legislation of one of the contracting countries in respect of documents required to be produced before the authorities, institutions or courts of that country shall be extended to the corresponding documents required to be produced, for the purposes of this Convention, before the authorities, institutions or courts of the other country.

Paragraph 2. For the purposes of this article and of articles 39 and 40, the term "courts" means:

In Belgium: the administrative courts having jurisdiction in social security matters;

In Turkey: the courts having jurisdiction in social security matters.

Paragraph 3. Legalization by diplomatic or consular authorities shall be waived in respect of all certificates, documents and papers required to be produced for the purposes of this Convention.

Article 39

Communications which for the purposes of this Convention are sent by beneficiaries under the Convention or by authorities, institutions or courts to authorities, institutions or courts of the other country shall be drawn up in one of the official languages of the two States.

Article 40

Claims and appeals which must be lodged within a prescribed period with an authority, institution or court of either contracting country competent to receive claims or appeals in social security matters shall be deemed admissible if they are lodged within the same period with a corresponding authority, institution or court of the other country. In such cases, the latter authority, institution or court shall transmit the claims or appeals without delay.

Article 41

Paragraph 1. The supreme administrative authorities of the contracting countries shall determine between themselves the measures necessary for the implementation and application of this Convention.

The said administrative authorities shall notify one another in due time of changes that have taken place in the legislation or regulations of their respective countries concerning the schemes enumerated in article 2.

Paragraph 2. The competent authorities of the two contracting countries shall notify one another of other arrangements made for the purpose of implementing this Convention within their respective countries.

Article 42

For the purposes of this Convention, the supreme administrative authorities in each of the contracting countries shall be:

In Belgium: the Minister of Labour and Social Welfare;

In Turkey: the Minister of Labour.

TITLE IV

MISCELLANEOUS PROVISIONS

Article 43

Paragraph 1. The institutions responsible, by virtue of this Convention, for the payment of benefits shall be held to discharge their responsibility validly by payment in the currency of their country.

In the event of regulations being made in either contracting country with a view to imposing restrictions upon the free exchange of currency, measures shall be taken forthwith, by agreement between the two Governments, to ensure, in accordance with the provisions of this Convention, the reciprocal transfer of moneys due.

Paragraph 2. The institution responsible for the payment of annuities or pensions the monthly amount of which is less than a sum to be specified by an exchange of letters between the supreme administrative authorities of the two contracting countries may pay the said annuities and pensions quarterly, half-yearly or yearly.

It may also, by payment of a sum equal to their capital value, redeem those annuities or pensions the monthly amount of which is less than a sum specified by an exchange of letters in the manner provided for in the preceding paragraph.

Article 44

Paragraph 1. The transfer to Turkey of the benefits due under the Belgian social security legislation to beneficiaries resident in Turkey shall be carried out by methods to be laid down in an administrative agreement between the supreme administrative authorities of the contracting countries.

Paragraph 2. The transfer to Belgium of the benefits due under the Turkish social security legislation to beneficiaries resident in Belgium shall be carried out by methods to be laid down in an administrative agreement between the supreme administrative authorities of the contracting countries.

Article 45

For the purposes of the assessment of the incapacity and the degree of invalidity, the insurance institutions of each country shall take account of the medical reports and information obtained by the insurance institutions of the other country.

They shall, however, retain the right to have the person concerned examined by a physician of their choice.

Article 46

The formalities that may be laid down by the statutory provisions or regulations of one of the contracting countries in respect of the payment outside its territory of the benefits distributed by its social security institutions shall also apply, under the same conditions as to their own nationals, to persons entitled to receive such benefits by virtue of this Convention.

Article 47

Any difficulties relating to the interpretation and application of this Convention shall be resolved by agreement between the supreme administrative authorities of the contracting countries.

Article 48

Paragraph 1. This Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible at Ankara.

Paragraph 2. It shall enter into force on the first day of the month after the month following that in which the instruments of ratification are exchanged.

Article 49

Paragraph 1. The situation of former employed persons or persons treated as such and of legally entitled members of their family with regard to their right to an invalidity, old age, survivors' or family pension shall be reviewed:

- (1) If the payment of the pension was suspended because of their nationality or place of residence;
- (2) If the pension was denied because of their nationality or place of residence or because the insurance periods or periods treated as such completed in both countries had not been aggregated;
- (3) If the pension was reduced because of their nationality;
- (4) If the application of the Convention will result in their being granted a pension higher than the benefits they already receive or could have received if they had applied for them.

Paragraph 2. The review shall take place on application, to be submitted by the person concerned through the competent institutions of the two contracting countries.

Applications shall take effect on the first day of the month following the month in which they are submitted.

However, if such applications are submitted within two years from the date of entry into force of this Convention, they shall take effect as from that date.

Article 50

Paragraph 1. This Convention is concluded for an indefinite period. Notice of termination may be given by either contracting country. Such notice must be given not later than six months before the expiry of any calendar year; the Convention shall then cease to have effect at the end of that year.

Paragraph 2. If notice of termination is given, the provisions of this Convention shall continue to apply to acquired rights, notwithstanding any restrictions that may be provided for under the schemes concerned for cases where a beneficiary resides in a foreign country.

Paragraph 3. Any rights that are in process of acquisition in respect of insurance periods completed before the date on which this Convention ceases to have effect shall continue to be governed by the provisions of this Convention in conformity with conditions to be decided upon by mutual agreement between the contracting countries.

IN WITNESS WHEREOF the respective plenipotentiaries have signed this Convention and have thereto affixed their seals.

DONE at Brussels, on 4 July 1966, in duplicate in the French, Dutch and Turkish languages, the three texts being equally authentic.

For the Kingdom
of Belgium:
P. DE PAEPE

For the Republic
of Turkey:
Fuat BAYRAMOGLU