

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. CONVENTION¹ 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 chancery 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.

Paragraph 5. Where the application of paragraph 2 results in the reduction or suspension of a benefit awarded under articles 22 and 23, account shall be taken, for the purpose of such reduction or suspension, only of such part of the benefits or income as is determined in proportion to the duration of the periods completed in accordance with the provisions of article 23, paragraph 1, sub-paragraph *b*.

TITLE II

METHOD OF DETERMINING WHICH LEGISLATION IS APPLICABLE

Article 7

Subject to the provisions of this title, an employed person or a person treated as such who is employed in the territory of one of the Contracting Parties shall be subject to the legislation of that Party, even if he is still deemed to be resident in the territory of the other Party or his employer or the principal place of business of the enterprise which employs him is in the territory of the other Party.

Article 8

The principle laid down in the preceding article shall be subject to the following exceptions :

a. An employed person or a person treated as such who is in the service of an enterprise having in the territory of one Contracting Party an establishment in which he is normally employed and who is sent by that enterprise to work in the territory of the other Contracting Party shall remain subject to the legislation of the first Party for a period of twenty-four months as though he continued to be employed in its territory ; if the duration of the work in the territory of the second Party exceeds such period, the legislation of the first Party shall continue to apply, provided that the approval of the competent authority of the Contracting Party whose legislation would be applicable under article 7 has been requested before the end of such period either by the employer with the approval of the employed person or by the employed person with the approval of his employer. The competent authority of that Party shall give its approval only with the consent of the competent authority of the other Party.

b. An employed person or a person treated as such who is in the service of an enterprise engaged, on behalf of others or on its own account, in the transport of passengers or goods by rail, road, air or water or in maritime fishing, with its principal place of business in the territory of one of the Contracting Parties, and who is employed in a travelling or seagoing capacity

shall be subject to the legislation of the Contracting Party in whose territory the enterprise has its principal place of business ; if, however, the enterprise has a branch or a permanent agency in the territory of the other Contracting Party, persons employed by such branch or permanent agency shall be subject to the legislation of the Contracting Party in whose territory the branch or permanent agency is situated.

Article 9

Paragraph 1. Without prejudice to the provisions of article 3, paragraph 2, the provisions of article 7 shall apply to employed persons or persons treated as such who are employed at the diplomatic or consular posts of the Contracting Parties or are in the personal employ of the agents of such posts.

Paragraph 2. However, an employed person as specified in paragraph 1 of this article who is a national of the Contracting Party represented by the diplomatic or consular post in question may, within a period of three months after the start of his employment or the entry into force of this Convention, elect to be subject to the legislation of the sending State. The exercise of this option shall not have retroactive effect.

Article 10

The competent authorities of the Contracting Parties may, by agreement, make exceptions to the provisions of articles 7 to 9 of this Convention, for specific employed persons or groups of employed persons, as regards the applicable legislation.

TITLE III

SPECIAL PROVISIONS

CHAPTER 1

SICKNESS-MATERNITY

Article 11

For the purposes of the acquisition, maintenance or recovery of the right to benefits, where an employed person or a person treated as such has been subject successively or alternately to the legislation of both Contracting Parties, the insurance periods completed under the legislation of each of the Contracting Parties shall be aggregated, provided that they do not overlap.

Article 12

Paragraph 1. An employed person or a person treated as such who has completed insurance periods under the legislation of one of the Contracting Parties and who moves to the territory of the other Contracting Party shall be entitled, for himself and for such of his dependants as are in that territory, to the sickness-maternity insurance benefits provided for by the legislation of the latter Contracting Party, provided that :

- a.* He was fit for employment when he last entered the territory of the latter Contracting Party ;
- b.* He has been subject to compulsory insurance since he last entered that territory ;
- c.* He satisfies the conditions imposed by the legislation of the latter Contracting Party, account being taken of the aggregation of periods referred to in the preceding article.

Paragraph 2. Where, in the cases specified in paragraph 1 of this article, an employed person or a person treated as such does not satisfy the conditions laid down in sub-paragraphs *a*, *b* and *c* of that paragraph, and where he would still be entitled to benefits under the legislation of the Contracting Party in whose territory he was last insured before his change of residence if he were in that territory, he shall be entitled to such benefits, provided that the incapacity has occurred within twenty-one days following the last day on which he was subject to the compulsory insurance scheme of that Party. The institution of that Party may request the institution of the place of residence to provide benefits in kind in accordance with the legislation applied by the latter institution.

Article 13

Paragraph 1. An employed person or a person treated as such who is insured with an institution of one of the Contracting Parties and is resident in the territory of that Party shall be entitled to benefits while temporarily resident in the territory of the other Contracting Party if his state of health necessitates immediate medical treatment, including admission to hospital.

Paragraph 2. An employed person or a person treated as such who has acquired the right to benefits from an institution of one of the Contracting Parties and who is resident in the territory of that Party shall retain that right if he transfers his residence to the territory of the other Contracting Party ; before transferring his residence, however, he must obtain the authorization of the competent institution, which may refuse it only where a physician of that institution reports that the employed person's state of health precludes the transfer of residence to the territory of the other Contracting Party.

Paragraph 3. Where an employed person or a person treated as such is entitled to benefits under the provisions of the preceding paragraphs, benefits in kind shall be provided by the institution of his new or temporary place of residence in accordance with the provisions of the legislation applied by that institution, particularly as regards the scale of such benefits and the manner of providing them; the duration of such benefits shall, however, be that prescribed by the legislation of the competent country.

Paragraph 4. In the case specified in paragraphs 1 and 2 of this article, the provision of prosthesis, of large appliances and of other major benefits in kind shall be subject, except in cases of absolute urgency, to prior authorization by the competent institution.

Paragraph 5. In the cases specified in paragraphs 1 and 2 of this article, cash benefits shall be paid in accordance with the legislation of the competent country. Such benefits may be paid by the institution of the other country as agent for the competent institution in a manner to be laid down in an administrative agreement.

Paragraph 6. The provisions of the preceding paragraphs shall apply *mutatis mutandis* to dependants in cases where they are temporarily resident in the territory of the other Contracting Party or where they transfer their residence to the territory of the other Contracting Party after the occurrence of the insurance contingency (sickness or pregnancy).

Article 14

Paragraph 1. Dependants of an employed person or of a person treated as such who is insured with an institution of one of the Contracting Parties shall, when resident in the territory of the other Contracting Party, be entitled to benefits in kind as though the employed person were insured with the institution of their place of residence. The scale and duration of such benefits and the manner of providing them shall be determined in accordance with the provisions of the legislation applied by the institution of the place of residence.

Paragraph 2. Where dependants transfer their residence to the territory of the competent country, they shall be entitled to benefits in accordance with the provisions of the legislation of that country. This rule shall also apply where the dependants have already received, in respect of the same case of sickness or the same pregnancy, benefits provided by the institutions of the Contracting Party in whose territory they were resident before the transfer; if the legislation to be applied by the competent institution prescribes a maximum duration for the provision of benefits, the period for which benefits were provided immediately before the transfer of residence shall be taken into account.

Paragraph 3. The provisions of this article shall not apply to dependants as specified in paragraph 1 of this article who carry on an occupation in their country of residence or who receive a pension or annuity which entitles them to benefits in kind.

Article 15

Where the application of this chapter would give an employed person or a person treated as such, or one of his dependants, an entitlement to maternity benefits under the legislation of both Contracting Parties, the legislation of both Contracting Parties, the legislation in force in the territory of the Contracting Party in which the birth takes place shall apply, account being taken, so far as is necessary, of the aggregation of periods referred to in article 11 of this Convention.

Article 16

Paragraph 1. Where a person in receipt of pensions or annuities payable under the legislation of both Contracting Parties is resident in the territory of one of the Contracting Parties and is entitled to benefits in kind under the legislation of that Party, such benefits shall be provided for him and for his dependants by the institution of his place of residence as though he were in receipt of a pension or annuity payable solely under the legislation of his country of residence. The cost of such benefits shall be borne by the institution of the place of residence.

Paragraph 2. Where a person in receipt of a pension or annuity payable solely under the legislation of one of the Contracting Parties is resident in the territory of the other Contracting Party, any benefits in kind to which he is entitled under the legislation of the first-mentioned Party shall be provided for him and for his dependants by the institution of his place of residence.

Paragraph 3. If the legislation of a Contracting Party provides for contributory deductions from the amounts payable to a pensioner or annuitant in order to cover the cost of benefits in kind, the institution which is liable for the pension or annuity and for the cost of the benefits in kind shall be empowered to make such deductions in the cases specified in this article.

Article 17

Paragraph 1. The cost of benefits in kind provided under article 12, paragraph 2, article 13, paragraphs 1, 2 and 6, article 14, paragraph 1, and

article 16, paragraph 2, of this Convention shall be repaid by the competent institutions to the institutions which provided the said benefits.

Paragraph 2. The amount due shall be determined and repaid in the manner to be laid down in an administrative agreement between the competent authorities ; the repayment may be made in lump sums.

CHAPTER 2

INVALIDITY

Article 18

For the purposes of the acquisition, maintenance or recovery of the right to invalidity benefits, where an insured person has been subject successively or alternately to the legislation of both Contracting Parties, the insurance periods completed under the legislation of each of the Contracting Parties shall be aggregated, provided that they do not overlap.

Article 19

Where an employed person or a person treated as such has been subject successively or alternately to the legislation of both Contracting Parties, he shall be entitled only to the benefits provided for by the legislation to which he was subject at the time when the incapacity, followed by invalidity, occurred, account being taken, where appropriate, of the provisions of article 18.

Article 20

Paragraph 1. If, after suspension of the invalidity pension or benefit, the insured person recovers his entitlement, 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 sickness in respect of which such pension or benefit was awarded.

Paragraph 2. If, after discontinuance of the invalidity pension or benefit, the state of health of the insured person justifies the award of the pension or benefit, the latter shall be provided in accordance with the rules laid down in article 19.

Article 21

For the purpose of establishing entitlement to an invalidity pension or benefit, 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 benefit shall in all cases be that provided for by the legislation applicable at the time when the sickness or accident causing the invalidity occurred.

CHAPTER 3

OLD AGE AND DEATH (PENSIONS)

Section 1

GENERAL PROVISIONS

Article 22

Paragraph 1. For the purposes of the acquisition, maintenance or recovery of the right to benefits, where an insured person has been subject successively or alternately to the legislation of both Contracting Parties, the insurance periods completed under the legislation of each of the Contracting Parties shall be aggregated, provided that they do not overlap.

Paragraph 2. Where the legislation of one Contracting Party makes it a condition for the award of particular benefits that the insurance periods should have been completed in an occupation which is subject to a special scheme, for the purpose of qualification for such benefits only the periods completed under the corresponding schemes of the other Contracting Party and the periods completed in the same occupation under other schemes of the last-mentioned Contracting Party shall be aggregated, provided that they do not overlap. If, despite the aggregation of such periods, the insured person does not satisfy the conditions for entitlement to such benefits, the periods in question shall nevertheless be aggregated for the purpose of qualification for benefits under the general scheme of the Contracting Parties.

Article 23

Paragraph 1. The benefits which an insured person who has been subject to the legislation of both Contracting Parties may claim under such legislation shall be determined in the following manner :

a. The institution of each of the Contracting Parties shall determine in accordance with its own legislation whether the person concerned satisfies the conditions for entitlement to the benefits provided for by that legislation, account being taken of the aggregation of periods referred to in the preceding article ;

b. Where a right is acquired in accordance with the preceding subparagraph, the said institution shall calculate the amount of the benefit to

which the person concerned would be entitled if all the insurance periods aggregated in the manner specified in the preceding article had been completed exclusively under its own legislation ; on the basis of that amount, the institution shall determine the amount due according to the proportion which the duration of the periods completed under that legislation before the occurrence of the insurance contingency bears to the total duration of the periods completed under the legislation of both Contracting Parties before the occurrence of the insurance contingency ; the latter amount shall represent the benefit payable to the person concerned by the institution in question ;

c. Where, at a given time, account being taken of the aggregation of periods referred to in the preceding article, the person concerned does not satisfy the conditions imposed by the bodies of legislation, applicable to him but satisfies the conditions imposed by one of those bodies of legislation, the amount of the benefit shall be determined in accordance with the provisions of sub-paragraph *b* of this paragraph ;

d. Where, at a given time, the person concerned does not satisfy the conditions imposed by the bodies of legislation applicable to him but satisfies the conditions imposed by one of those bodies of legislation irrespective of the periods completed under the other body of legislation, the amount of the benefit shall be determined exclusively in accordance with the legislation which confers the entitlement, account being taken only of the periods completed under the last-mentioned legislation ;

e. In the cases specified in sub-paragraphs *c* and *d* of this paragraph, the benefits already determined shall be revised in accordance with the provisions of sub-paragraph *b* of this paragraph as and when the conditions imposed by the other body of legislation are satisfied, account being taken of the aggregation of periods referred to in the preceding article.

Paragraph 2. Where the amount of the benefit to which, but for the application of the provisions of article 22, the person concerned might be entitled solely on the basis of the insurance periods completed under the legislation of one Contracting Party is greater than the total benefits which accrue from the application of the preceding paragraph, he shall be entitled to receive from the institution of that Party an additional amount equal to the difference.

Paragraph 3. Subject to the provisions of paragraph 1, sub-paragraph *d*, of this article and the provisions of article 26, persons who avail themselves of the provisions of this chapter may not elect to receive a pension solely under the provisions of the legislation of one Contracting Party.

Section 2

SPECIAL PROVISIONS

Article 24

A married woman, resident in Turkey and under sixty-five years of age, whose husband is insured under Netherlands legislation concerning old age insurance shall also be insured, except for any period during which :

- a. She has simultaneously completed insurance periods under a Turkish compulsory scheme of old age insurance ;
- b. She is in receipt of an old age pension under such a scheme.

Article 25

The Netherlands institutions shall calculate old age pensions directly and exclusively on the basis of the insurance periods completed under the relevant legislation.

Article 26

Paragraph 1. Where an employed person or a person treated as such was subject successively or alternately to the legislation of both Contracting Parties, his survivors shall be entitled only to the benefits provided for by the legislation to which such person was subject at the time of his death.

Paragraph 2. Where such person was subject to Turkish legislation at the time of his death, the insurance periods completed under Netherlands legislation shall also be taken into account for the purposes of establishing entitlement to, and determining the amount of, the benefit payable to his survivors under Turkish legislation.

Article 27

Paragraph 1. The interim pensions provided for by Netherlands legislation concerning old age insurance for persons who had reached the age of sixty-five years on 1 January 1957 shall be granted to Turkish nationals under the same conditions as to Netherlands nationals.

Paragraph 2. The interim advantages provided for by Netherlands legislation concerning old age insurance for persons who were between fifteen and sixty-five years of age on 1 January 1957 shall be granted to Turkish nationals under the same conditions as to Netherlands nationals.

Article 28

The advantages afforded by the transitional provisions of Netherlands legislation concerning widows' and orphans' insurance in cases where a death occurred before 1 October 1959 shall be granted to Turkish nationals under the same conditions as to Netherlands nationals.

Article 29

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 Netherlands pension scheme before becoming subject to a Turkish old age insurance scheme, the date on which he first became subject to the said Netherlands scheme shall be deemed to be the date on which he first became subject to Turkish legislation.

CHAPTER 4

*INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES**Article 30*

Paragraph 1. An employed person or a person treated as such who is insured under Turkish legislation and who, being temporarily employed in Netherlands territory in accordance with the provisions of article 8, suffers an industrial accident or an occupational disease, or who, having acquired the right to benefits under Turkish legislation, transfers his residence to Netherlands territory, shall receive benefits in kind through the institution of the place of residence or of temporary residence at the expense of the competent institution.

Paragraph 2. As regards the scale and duration of benefits in kind and the manner of providing them, the provisions of article 13, paragraphs 3 and 4, shall apply *mutatis mutandis*.

Paragraph 3. In the cases specified in this article, cash benefits shall be paid in accordance with the provisions of article 13, paragraph 5.

Article 31

In the event of transfer of residence, an employed person or a person treated as such who has acquired the right to benefits from the Turkish institution must, before the transfer, obtain the authorization of the said institution, which may refuse it only where a physician of that institution reports that the employed person's state of health precludes the transfer of residence to Netherlands territory.

Article 32

The cost of benefits in kind provided in the cases specified in article 30 shall be repaid to the Netherlands institutions in accordance with the provisions of article 17.

CHAPTER 5

*FAMILY ALLOWANCES**Article 33*

Turkish nationals who are employed in the Netherlands and whose children are resident or are being brought up in Turkey shall be entitled to family allowances under the same conditions as Netherlands employed persons.

CHAPTER 6

*UNEMPLOYMENT**Article 34*

For the purposes of the acquisition of the right to the unemployment benefits provided for by Netherlands legislation, the periods of employment in Turkey and the periods of employment in the Netherlands shall be aggregated.

TITLE IV

MISCELLANEOUS PROVISIONS

Article 35

The competent authorities

1. Shall make such administrative arrangements as may be necessary for the application of this Convention ;
2. Shall communicate to each other full information regarding measures taken for the application of this Convention ;
3. Shall communicate to each other full information regarding any changes in their legislation which may affect its application.

Article 36

Paragraph 1. The authorities and institutions responsible for the implementation of this Convention shall assist one another in applying this

Convention and shall act as though the matter were one affecting the application of their own legislation.

Paragraph 2. The institutions and authorities of each of the Contracting Parties may, for the purposes of the application of this Convention, communicate directly with one another and with the persons concerned or their authorized representatives.

Paragraph 3. For the purposes of the provisions of Turkish legislation relating to the assessment of the degree of invalidity or incapacity, medical reports issued by a Netherlands institution shall be regarded as reports by Turkish institutions.

Article 37

Paragraph 1. Any exemption from or reduction of charges, stamp duties, court fees or registration fees provided for by the legislation of one of the Contracting Parties in respect of papers or documents required to be produced for the purposes of the legislation of that Party shall be extended to similar papers and documents required to be produced for the purposes of the legislation of the other Contracting Party or of this Convention.

Paragraph 2. Legalization by diplomatic or consular authorities and payment of chancery fees shall be waived in respect of all certificates, documents and papers required to be produced for the purposes of this Convention.

Article 38

Paragraph 1. Direct correspondence between institutions for the purposes of the application of this Convention shall be conducted in the French or English language.

Paragraph 2. The institutions and authorities of one of the Contracting Parties shall not reject claims or other documents addressed to them on the ground that they are drawn up in the official language of the other Contracting Party.

Article 39

Claims, declarations or appeals which, for the purposes of the legislation of one of the Contracting Parties, should be presented within a prescribed time-limit to an authority, institution or other agency of that Party shall be admissible if they are presented within the same time-limit to a corresponding authority, institution or other agency of the other Contracting Party. In such cases, the authority, institution or agency concerned shall transmit such claims, declarations or appeals without delay to the competent

authority, institution or agency of the first-mentioned Party, either direct or through the competent authorities of the Contracting Parties.

Article 40

Paragraph 1. The institutions of one Contracting Party which are liable under this Convention for the payment of cash benefits to beneficiaries who are in the territory of the other Contracting Party shall be held to discharge their liability validly by making payment in the currency of the first-mentioned Party; moneys due from such institutions to institutions which are in the territory of the other Contracting Party must be paid in the currency of the last-mentioned Party.

Paragraph 2. Transfers of funds required for the application of this Convention shall be effected in accordance with the relevant agreements or rules in force between the two Contracting Parties at the time of the transfer.

Article 41

Paragraph 1. Any dispute between the Contracting Parties relating to the interpretation or application of this Convention shall be the subject of direct negotiations between the competent authorities of the Contracting Parties.

Paragraph 2. If the dispute cannot be resolved by that means within a period of six months from the opening of negotiations, it shall be submitted to an arbitral commission, whose composition and procedure shall be determined by agreement between the Contracting Parties. The arbitral commission shall resolve the dispute in accordance with the fundamental principles and the spirit of this Convention. Its decisions shall be binding and final.

Article 42

Paragraph 1. Where an institution of one Contracting Party has made an advance payment to a person entitled to benefits, such institution or, at its request, the competent institution of the other Party shall deduct the amount of the advance from the payments to which such person is entitled.

Paragraph 2. Where a beneficiary has received public assistance from one Contracting Party during a period for which he is entitled to cash benefits, the institution liable for such benefits shall, at the request and for the account of the institution which granted the public assistance, withhold such benefits until the amount of the allowances paid in the form of public assistance has been recovered.

TITLE V

TRANSITIONAL AND FINAL PROVISIONS

Article 43

Paragraph 1. This Convention shall in no case confer any right to the payment of benefits for a period before the date of its entry into force.

Paragraph 2. Any insurance period completed under the legislation of one of the Contracting Parties before the date of entry into force of this Convention shall be taken into account for the purpose of determining the right to benefits in accordance with the provisions of this Convention.

Paragraph 3. Subject to the provisions of paragraph 1 of this article, a pension or annuity shall be payable under this Convention even in respect of an event which occurred before the date of its entry into force. To this end, any pension or annuity which has not been paid or which has been suspended by reason of the nationality of the person concerned or because he is resident in the territory of the other Contracting Party shall, at the request of the person concerned, be paid or reinstated as from the date of the entry into force of this Convention, provided that the entitlement previously awarded has not been settled by a lumpsum payment.

Paragraph 4. With regard to the rights arising out of the application of the preceding paragraph, the legislative provisions of the Contracting Parties concerning the lapse and extinction of rights shall not apply to the beneficiary, provided that the claim is presented within a period of two years from the date of the entry into force of this Convention.

If the claim is presented after the expiry of that period, such right to benefit as has not lapsed or been extinguished shall be acquired as from the date of presentation of the claim, unless more favourable legislative provisions of one Contracting Party are applicable.

Article 44

In the case of the Kingdom of the Netherlands, this Convention shall apply only to the Kingdom in Europe.

Article 45

This Convention shall be ratified and the instruments of ratification shall be exchanged at The Hague as soon as possible.

Article 46

This Convention shall enter into force on the first day of the month following the month in which the instruments of ratification are exchanged.

Article 47

This Convention is concluded for an indefinite period. It may be terminated by either of the Contracting Parties. Notice of termination shall be given not later than six months before the end of any calendar year; the Convention shall then cease to have effect at the end of that year.

Article 48

Paragraph 1. In the event of the termination of this Convention, any right acquired in accordance with its provisions shall be maintained.

Paragraph 2. Rights which are in course of acquisition in respect of periods completed before the date on which the termination takes effect shall not be extinguished as a result of the termination; the preservation of such rights for the subsequent period shall be determined by agreement or, in the absence of such agreement, by the legislation applicable to the institution concerned.

IN WITNESS WHEREOF the Plenipotentiaries, being duly authorized thereto, have signed this Convention.

DONE at Ankara, on 5 April 1966, in duplicate, in the French language.

For the Kingdom of the Netherlands :

A. R. TAMMENOMS BAKKER
G. M. J. VELDKAMP

For the Republic of Turkey :

Ali Nailî ERDEM

PROTOCOL OF SIGNATURE

At the time of signing the Convention between the Kingdom of the Netherlands and the Republic of Turkey on Social Security (hereinafter referred to as "the Convention"), the undersigned Plenipotentiaries have drawn up the following provisions :

1. It is noted that Netherlands legislation shall not include a special scheme for the compensation of industrial accidents and occupational diseases, once the new legislation concerning compulsory insurance of employed persons against the financial consequences of prolonged incapacity shall have entered into force. Benefits in the event of industrial accidents or occupational diseases shall then be provided under the general schemes specified in article 2, paragraph 1, sub-paragraph *a* (1), (2) and (4), of the Convention.

2. Should the Convention enter into force earlier than the new Netherlands legislation referred to in paragraph 1 above, the Convention shall apply to Netherlands legislation concerning industrial accident and occupational disease insurance.

This Protocol shall form an integral part of the Convention.

DONE in duplicate at Ankara, on 5 April 1966, in the French language.

A. R. TAMMENOMS BAKKER
G. M. J. VELDKAMP
Ali Nailî ERDEM

ADMINISTRATIVE AGREEMENT ¹ CONCERNING THE MANNER OF APPLICATION OF THE CONVENTION BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE REPUBLIC OF TURKEY ON SOCIAL SECURITY OF 5 APRIL 1966. SIGNED AT THE HAGUE ON 14 JUNE 1967

Pursuant to article 13, paragraph 5, article 17, paragraph 2, and article 35 of the Convention between the Kingdom of the Netherlands and the Republic of Turkey on Social Security, signed at Ankara on 5 April 1966 (hereinafter referred to as "the Convention"), the competent Netherlands and Turkish authorities, namely :

Mr. B. Roolvink, Netherlands Minister of Social Affairs and Public Health, and

The Turkish Minister of Labour, represented by Mr. V. Halefoğlu, Ambassador of Turkey at The Hague,

Have by agreement drawn up the following provisions :

¹ Came into force on 1 February 1968, the date of entry into force of the Convention, in accordance with article 41.

Chapter 1

Article 1

For the purposes of the Convention and of this Agreement, the following shall be designated as liaison agencies :

1. In the Netherlands :

- a.* For benefits in kind in the event of sickness or maternity : the Ziekenfondsraad (Board of Sickness Insurance Funds) at Amsterdam ;
- b.* For family allowances : the Vereeniging van Raden van Arbeid (Association of Labour Councils) at Amsterdam ;
- c.* For old age and survivors' pensions, and for family allowances payable to the beneficiaries of such pensions : the Sociale Verzeeringsbank (Social Insurance Bank) at Amsterdam ;
- d.* In all other cases : the Gemeenschappelijk Administratiekantoor (Joint Administrative Office) at Amsterdam ;

2. In Turkey :

The Sosyal Sigortalar Kurumu (Social Insurance Institution) at Ankara.

Article 2

1. In cases specified in article 8, *a*, of the Convention, the authority or agency, as indicated in paragraph 2 of this article, of the country in which the enterprise has its principal place of business shall issue to the employed person a certificate stating that he remains subject to the legislation of that country.

The certificate must be produced, as necessary, by the employer's agent in the other country if there is such an agent, or otherwise by the employed person himself.

Where several persons employed by one and the same enterprise are sent, at the same time, to work together in the other country, a single certificate may cover all such employed persons.

2. The authority or agency referred to in paragraph 1 of this article shall be :

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

In the case of Turkey : the Sosyal Sigortalar Kurumu (Social Insurance Institution) at Ankara.

Article 3

In order to exercise his option under article 9, paragraph 2, of the Convention, an employed person shall, while simultaneously informing his employer, make application to the authority or agency, as indicated in paragraph 2 of the preceding article, of the sending country.

The authority or agency to which application is made shall inform the agency or authority of the other country accordingly.

Chapter 2

SICKNESS - MATERNITY

Article 4

1. In order to benefit from the aggregation of insurance periods, an employed person in cases specified in article 12, paragraph 1, of the Convention must submit to the competent institution a certificate of the insurance periods completed under the legislation to which he was subject immediately before the date on which he last entered the competent country.

2. The certificate shall be issued at the request of the employed person :

a. In respect of insurance periods completed in the Netherlands :

(i) By the sickness insurance (cash benefits) institution with which he was last insured, in the case of cash benefits ;

(ii) By the sickness insurance (benefits in kind) institution, if the employed person was insured only for benefits in kind.

The said institution shall certify that the employed person was not insured for cash benefits under the sickness insurance scheme ;

b. In respect of insurance periods completed in Turkey :

By the competent regional office of the Sosyal Sigortalar Kurumu (Social Insurance Institution).

3. If the employed person does not submit the certificate, the competent institution of the country to which he has moved shall request the institution indicated above to issue and forward the certificate.

4. Where an employed person in cases specified in article 12, paragraph 1, of the Convention has been granted, for himself or for one of his dependants, the right to prosthesis, to large appliances or to other major benefits in kind by the competent institution of the country in which such person was last insured before entering the other country, the cost of such benefits shall be borne by that institution, even if they are in fact provided after his departure.

Article 5

1. In order to receive benefits in kind under article 12, paragraph 2, of the Convention, an employed person shall submit to the institution of the place of residence a certificate issued by the competent institution of the country in which he was last insured before his change of residence proving that he is entitled to such benefits and containing the request to the first-mentioned institution to provide such benefits ; the certificate shall indicate, in particular, the maximum length of time for which the benefits may be provided. If the employed person does not submit the certificate, the institution of the place of residence shall request it from the competent institution.

2. The provisions of article 13, paragraph 4, of the Convention shall apply *mutatis mutandis*.

Article 6

1. In order to receive medical treatment including, where necessary, admission to hospital while temporarily resident in the country other than the competent country, an employed person in cases specified in article 13, paragraph 1, of the Convention shall submit to the institution of the place of temporary residence a certificate issued by the competent institution, if possible before the commencement of the temporary residence, proving that he is entitled to the aforementioned benefits. The certificate shall indicate, in particular, the length of time for which the benefits may be provided. If the employed person does not submit the certificate, the institution of the place of temporary residence shall request it from the competent institution.

2. The provisions of the preceding paragraph shall apply *mutatis mutandis* to dependants in cases where they are temporarily resident in the other country.

Article 7

1. The following provisions shall also apply to the provision of benefits in kind in cases specified in article 12, paragraph 2, and article 13, paragraph 1, of the Convention.

2. In the event of admission to hospital, the institution of the place of temporary residence shall notify the competent institution, within a period of seven days from the date on which it learns of the occurrence, of the date of admission to and the probable duration of the stay in a hospital or other medical establishment ; upon discharge from the hospital or other medical establishment, the institution of the place of temporary residence shall, within a period of seven days from the date on which it learns of the occurrence, notify the competent institution of the date of discharge.

3. For the purpose of obtaining the authorization to which the provision of the benefits referred to in article 13, paragraph 4, of the Convention is subject, the institution of the place of temporary residence shall make application to the competent institution. Where such benefits have been provided, in cases of absolute urgency, without the authorization of the competent institution, the institution of the place of temporary residence shall advise that institution immediately.

4. For the purposes of article 15, paragraph 4, of the Convention, the term "cases of absolute urgency" means cases where provision of the benefit cannot be delayed without seriously endangering the life or health of the person concerned. In the event of accidental breakage of or damage to a prosthetic or other appliance, proof of the need for repair or replacement of the appliance in question shall suffice to establish absolute urgency.

5. The Ziekenfondsraad (Board of Sickness Insurance Funds) and the Sosyal Sigortalar Kurumu (Social Insurance Institution) shall, by agreement, draw up a schedule of the benefits referred to in article 13, paragraph 4, of the Convention.

Article 8

1. In order to retain the right to benefits in kind in his new country of residence, an employed person in cases specified in article 13, paragraph 2, of the Convention must submit to the institution of his new place of residence a certificate in which the competent institution authorizes him to retain the right to benefits after his change of residence. The said institution shall, where necessary, indicate in the certificate the maximum duration of benefits in kind, as prescribed by the legislation of the competent country. The competent institution may issue the certificate after the change of residence of the employed person, at his request, if it was not possible to do so in advance for reasons of *force majeure*.

2. For the purposes of the provision of benefits by the institution of the new place of residence of the employed person, the provisions of article 7, paragraphs 2 and 3, of this Agreement shall apply *mutatis mutandis*.

3. The institution of the new place of residence shall, either on its own initiative or at the request of the competent institution, have the beneficiary examined at regular intervals with a view to determining whether medical treatment is actually and regularly being provided. It must make arrangements for such examinations and advise the competent institution of the findings immediately. The continued defrayal of the cost of medical treatment by the competent institution shall be subject to compliance with these rules.

4. The provisions of paragraphs 1 to 3 of this article shall apply *mutatis mutandis* to dependants of the employed person who transfer their residence

to the other country after the occurrence of the insurance contingency (sickness or pregnancy).

5. If the institution of the place of residence finds that hospital treatment should be terminated, it shall notify the employed person of the date of termination of hospital treatment and shall send a copy of the notification to the competent institution immediately.

Article 9

1. In order to receive benefits in kind in their country of residence, dependants in cases specified in article 14, paragraph 1, of the Convention must register with the institution of their place of residence, submitting the following documentary evidence :

- (i) A certificate issued in triplicate by the competent institution, at the request of the employed person, stating that the employed person is entitled to benefits in kind and indicating the names of his dependants, as reported by him. The certificate shall be valid until such time as the competent institution notifies the institution of the place of residence of the cancellation of the said certificate ;
- (ii) The documentary evidence normally required by the legislation of the country of residence for the provision of benefits in kind to dependants.

2. The institution of the place of residence shall inform the competent institution whether or not the dependants are entitled to benefits under the legislation applied by the first-mentioned institution.

3. The provision of benefits in kind to dependants shall be subject to the validity of the certificate referred to in paragraph 1 of this article.

4. The employed person and his dependants must inform, respectively, the competent institution and the institution of the place of residence of such dependants of any change in their circumstances which might affect the entitlement of the dependants to benefits in kind, including, in particular, any termination or change of employment on the part of the employed person or any change in the place of residence or of temporary residence of the employed person or any of his dependants.

5. The institution of the place of residence shall assist the competent institution if the latter intends to institute recovery proceedings against a beneficiary who has wrongfully obtained benefits.

Article 10

In cases specified in article 14, paragraph 2, of the Convention, the competent institution shall, if necessary, request the institution of the last

place of residence of any dependant who has transferred his residence to the competent country to furnish information concerning the period during which benefits were provided immediately before the transfer.

Article 11

1. In order to receive benefits in kind in his country of residence, a person in receipt of a pension or annuity in cases specified in article 16, paragraph 2, of the Convention must register with the institution of his place of residence, producing a certificate in which the Sosyal Sigortalar Kurumu (Social Insurance Institution) or the Ziekenfondsraad (Board of Sickness Insurance Funds), according as the institution liable for the pension or annuity is a Turkish or a Netherlands institution, indicates that the pensioner or annuitant is entitled, for himself and for his dependants, to benefits in kind. The agency issuing the certificate shall forward a copy thereof to the liaison agency of the country of residence.

2. The pensioner or annuitant must inform the institution of his place of residence of any change in his circumstances which might affect his entitlement to benefits in kind, including, in particular, any suspension or discontinuance of his pension or annuity and any change in his or his dependants' place of residence.

3. The agency issuing the certificate may inform the liaison agency of the country of residence of the pensioner or annuitant when his entitlement to benefits in kind terminates.

Article 12

1. In order to receive cash benefits while temporarily resident in the country other than the competent country, an employed person must make application immediately to the institution of the place of temporary residence, submitting to that institution in cases specified in article 12, paragraph 2, of the Convention the certificate referred to in article 5, paragraph 1, in cases specified in article 13, paragraph 1, of the Convention the certificate referred to in article 6, paragraph 1, and in cases specified in article 13, paragraph 2, of the Convention the certificate referred to in article 8, paragraph 1. He shall, if so required by the legislation of the country in which he is, attach a certificate of incapacity issued by the physician attending him. He shall also give his address in the country in which he is, as well as the names and addresses of his employer and of the competent institution.

2. If the employed person does not submit the certificate referred to in the preceding paragraph, the institution of the place of temporary residence shall request from the competent institution such a certificate or a statement that the employed person is still insured under the legislation of the compe-

tent country. However, the certificate referred to in article 8, paragraph 1, shall be issued after the change of residence only if, for reasons of *force majeure*, it was not possible to issue it in advance.

Article 13

1. The institution of the place of temporary residence shall immediately, and in any event within three days following the date on which the employed person has made application to that institution, have the employed person placed under medical control by one of its examining physicians. If the competent institution has indicated in the certificate referred to in article 8, paragraph 1, a date on which the employed person must be placed under medical control, the institution of the place of temporary residence may defer the first medical examination until that date.

2. The report of the examining physician, which shall state whether the employed person is incapacitated and, if so, the date on which the incapacity began, the diagnosis and the probable duration of the incapacity, shall be sent to the competent institution by the institution of the place of temporary residence within three days following the date of the examination. The institution of the place of temporary residence shall indicate the date on which the employed person made application to that institution.

Article 14

1. The employed person shall be subject to the administrative control regulations of the institution of the place of temporary residence.

2. After the first medical examination, the institution of the place of temporary residence shall continue the medical and administrative control in the manner applicable to persons insured with that institution itself. The medical control shall be conducted at such intervals that the employed person is re-examined at the end of the period for which he is likely, according to the last medical control report, to remain incapacitated.

3. The medical reports, indicating whether the employed person is still incapacitated, the diagnosis and the probable duration of the incapacity, shall be forwarded to the competent institution by the institution of the place of temporary residence within seven days following the date of the examination.

4. If the institution of the place of temporary residence finds that the employed person is infringing the control regulations, it shall notify the competent institution immediately, describing the nature of the infringement and indicating what action is normally taken by the institution of the place of temporary residence in the case of such infringement by a person insured with that institution itself.

Article 15

1. If the examining physician finds that the employed person is or will be fit to resume work, the institution of the place of temporary residence shall notify the employed person of the termination of his incapacity and shall send a copy of the notification to the competent institution without delay, attaching the examining physician's report.

2. If the competent institution decides, on the basis of information it has received, that the employed person is fit to resume work, it shall notify him of its decision, forwarding a copy of the notification to the institution of the place of residence.

3. If, in the same case, two different dates for the termination of incapacity are set by the institution of the place of residence and by the competent institution, the date set by the competent institution shall prevail.

Article 16

If the employed person returns to the competent country, the institution of the place of temporary residence shall inform the competent institution accordingly and attach an opinion by the examining physician indicating whether the journey is detrimental to the employed person's state of health.

Article 17

1. In the case of benefits in kind provided under the provisions of article 12, paragraph 2, and article 13, paragraphs 1, 2 and 6, of the Convention, the actual amounts of the costs relating to such benefits, as shown in the books of the institutions, shall be repaid by the competent institutions to the institutions which provided the aforementioned benefits.

2. Accounts relating to the costs of such benefits provided in Turkey shall be rendered to the Sosyal Sigortalar Kurumu (Social Insurance Institution), which shall forward them half-yearly to the Ziekenfondsraad (Board of Sickness Insurance Funds) together with a statement in a form to be determined by agreement.

3. Accounts relating to the costs of such benefits provided in the Netherlands shall be rendered to the Ziekenfondsraad (Board of Sickness Insurance Funds), which shall forward them half-yearly to the Sosyal Sigortalar Kurumu (Social Insurance Institution) together with a statement in a form to be determined by agreement.

4. No rates higher than those applicable to benefits in kind provided to employed persons who are subject to the legislation applied by the institution which provided the benefits referred to in paragraph 1 of this article may be taken into account for the purposes of the repayment of costs.

Article 18

1. For the purposes of article 14 of the Convention, the costs relating to benefits in kind granted to dependants shall be estimated at a lump sum for each calendar year.

2. The amount of the lump sum shall be arrived at by multiplying the average annual cost per family by the number of families involved.

The factors in the calculation shall be determined as follows :

- a. The average annual cost per family shall be calculated in the case of the Netherlands by dividing the annual costs relating to the total of the benefits in kind provided by Netherlands institutions to all dependants of insured persons who are subject to Netherlands legislation by the average annual number of insured persons who are subject to Netherlands legislation and who have dependants entitled to claim such benefits ;
- b. The average annual cost per family shall be calculated in the case of Turkey by dividing the total of the costs relating to benefits in kind provided both to insured persons and to their dependants by the average annual number of insured persons multiplied by a coefficient plus 1 ; the number thus arrived at shall be multiplied by the said coefficient.

The coefficient, representing the average number of dependants per insured person, shall be arrived at by dividing the total number of dependants by the total number of insured persons. The coefficient shall be determined for each calendar year by the Sosyal Sigortalar Kurumu (Social Insurance Institution), which shall take statistical data into account in making its estimates and shall communicate the result to the Ziekenfondsraad (Board of Sickness Insurance Funds) for approval. Any dispute in that connexion shall be submitted to the competent authorities.

3. The number of families and the periods of employment of the insured persons, expressed in months, shall be the subject of an annual summary statement.

The summary statement shall be sent, within six months following the year to which it relates, to the Ziekenfondsraad (Board of Sickness Insurance Funds) or to the Sosyal Sigortalar Kurumu (Social Insurance Institution), as the case may be, together with copies of the certificates issued by the competent institutions in accordance with article 9, paragraph 1, sub-paragraph (i), of this Agreement.

Article 19

1. In the case of benefits in kind provided in the Netherlands under the provisions of article 16, paragraph 2, of the Convention, the costs relating

to such benefits shall be estimated at a lump sum for each calendar year, in the following manner :

- a. The amount of the lump sum shall be arrived at by multiplying the average annual cost per pensioner or annuitant and dependant of such person by the average annual number of pensioners or annuitants and dependants of such persons involved ;
- b. The cost per pensioner or annuitant and dependant of such person shall be equal to the average per pensioner or annuitant and dependant of such person of the costs relating to the total of the benefits in kind provided by institutions of the country in question to all pensioners or annuitants (including dependants of such persons) who are subject to the legislation of that country ;
- c. The calculations may vary according to the age group to which the pensioners or annuitants belong.

2. Repayment of the costs relating to benefits in kind provided in Turkey in accordance with the provisions of article 16, paragraph 2, of the Convention shall be effected in the manner and on the bases laid down in article 17, paragraphs 1, 2 and 4, of this Agreement.

Article 20

1. The repayments provided for in article 17 of the Convention shall be made through the competent liaison agencies.

2. In order to compensate for administrative expenses, the liaison agencies may agree on a percentage to be added to the amounts calculated in accordance with articles 17, 18 and 19 of this Agreement.

They may also agree on the payment of advances on the amounts due.

3. The liaison agencies may agree on other methods of estimating the amounts to be repaid in accordance with the provisions of articles 17, 18 and 19 of this Agreement.

Article 21

The provisions of this chapter shall apply *mutatis mutandis* to benefits payable under Turkish legislation in the event of industrial accident or occupational disease.

Chapter 3

INVALIDITY

Article 22

For the purposes of the application of this chapter, the term "competent institution" shall be deemed to include an institution other than the institution referred to in article 1, *f*, of the Convention which, under the applicable legislation, is exclusively responsible for promoting and supervising rehabilitation measures and medical and related services and for verifying a loss of earning capacity.

Article 23

1. The administrative and medical control of persons in receipt of benefits under Netherlands legislation who are resident in Turkey shall be conducted, at the request of the competent institution, through the Sosyal Sigortalar Kurumu (Social Insurance Institution).

2. The administrative and medical control of persons in receipt of benefits under Turkish legislation who are resident in the Netherlands shall be conducted, at the request of the competent institution, through the Nieuwe Algemene Bedrijfsvereniging (New General Occupational Association) at Amsterdam.

3. The competent institution shall, however, retain the right to have the person in receipt of benefits examined by a physician of its choice and to prescribe measures for preserving, restoring or improving his health and his fitness for work.

Article 24

For the purposes of the assessment of the degree of incapacity, the institutions of each country shall take account of the medical reports and administrative information obtained by the institutions of the other country but shall, however, retain the right to have the person concerned examined by a physician of their choice.

Article 25

Where, as a result of the control referred to in article 23 of this Agreement, it is found that the beneficiary of an invalidity pension is or has been employed while in receipt of benefits, or that he has resumed work, a report shall be sent to the competent institution. The report shall indicate the nature of the employment, the amount earned by the person concerned, the

normal remuneration received in the same locality by a person in the occupational category to which the insured person belonged in the occupation he exercised before he became incapacitated and, where appropriate, the opinion of a medical specialist concerning the state of health of the person concerned.

Article 26

Where, after suspension or discontinuance of a pension, an insured person recovers his entitlement to an invalidity pension while resident in the country other than the country liable for the pension, the institutions concerned, shall exchange all necessary information with a view to resumption of the payments.

Article 27

The costs of administrative or medical control shall be borne by the institution liable for the pension. Such costs shall be determined by the institution incurring them, in accordance with the provisions of the legislation applied by that institution, and shall be repaid by the institution liable for the pension, upon submission of a detailed account of the costs incurred.

The competent institutions may, however, agree on other modalities of repayment.

Chapter 4

OLD AGE AND DEATH (PENSIONS)

Article 28

1. In order to receive benefits under the provisions of title III, chapter 3, of the Convention, an employed person or a survivor of an employed person must make his application to the competent institution of his place of residence in the manner laid down by the legislation of the country of residence.

2. Where an employed person or a survivor of an employed person, not being resident in the Netherlands or in Turkey, requests payment of a benefit under the provisions of title III, chapter 3, of the Convention, he must make his application to the competent institution of the country under whose legislation the employed person was last insured.

3. The applicant, shall, so far as possible, specify either the institution or institutions of the two countries with which the employed person was insured or the employer or employers for whom he worked in the two countries.

Article 29

Applications submitted in accordance with the provisions of the preceding article shall be examined by the competent institution to which they are made. Such institution is hereinafter referred to as "the examining institution".

Article 30

1. In its examination of applications for benefits payable under the provisions of title III, chapter 3, of the Convention, the examining institution shall use a standard form which includes, *inter alia*, the essential personal particulars and a statement and summary of the insurance periods completed by the insured person under the bodies of legislation to which he has been subject.

2. The forwarding of the standard form to the competent institutions of the other country shall serve as a substitute for the forwarding of documentary evidence.

Article 31

1. The examining institution shall enter on the standard form referred to in the preceding article the insurance periods completed under the legislation applicable to it and shall send two copies of the form to the competent institution of the other country.

2. The last-mentioned institution shall complete the form by indicating the insurance periods completed under its own legislation and shall return one copy to the examining institution. The following additional information shall be entered on the form: the amount of the entitlements under its own legislation, account being taken of the provisions of title III, chapter 3, of the Convention, the amount of the benefit to which, but for the application of the provisions of article 23 of the Convention, the applicant might be entitled solely on the basis of the insurance periods completed under its own legislation, and the procedures and time-limits for the submission of appeals.

Article 32

1. If the examining institution finds that the applicant is entitled to avail himself of the provisions of article 23, paragraph 2, of the Convention, it shall determine the additional amount to which the applicant is entitled under those provisions.

2. In the application of article 23, paragraph 2, of the Convention, the conversion of amounts expressed in different national currencies shall be

effected on the basis of the official rate of exchange prevailing on the date on which the amount of the pension is calculated. In the event of fluctuations in the rate of exchange, the amount of the pension shall be reviewed only when the fluctuations exceed 10 per cent.

Article 33

The examining institution shall notify the applicant of all decisions taken concerning the payment of benefits calculated under article 23 of the Convention and of the procedures and time-limits for the submission of appeals provided for by each of the bodies of legislation which have been applied. In addition, the said institution shall forward a copy of the notification to the competent institution of the other country and shall indicate the date on which such notification was sent to the applicant.

Article 34

The provisions of articles 22 to 27 of this Agreement shall apply *mutatis mutandis* to widows' and orphans' pensions granted on account of invalidity.

Chapter 5

FAMILY ALLOWANCES

Article 35

For the purposes of article 33 of the Convention, Turkish institutions shall assist Netherlands institutions with a view, in particular, to verifying the information which is required for the granting of family allowances payable by Netherlands institutions in respect of children who are resident in Turkey.

Chapter 6

UNEMPLOYMENT

Article 36

1. In order to avail himself of the provisions of article 34 of the Convention, the applicant must submit to the competent Netherlands institution a certificate of the periods of employment in Turkey which are to be taken into account, to such extent as may be necessary, in addition to the periods already completed under Netherlands legislation.

2. The certificate shall be issued, at the request of the employed person by the regional office of the Sosyal Sigortalar Kurumu (Social Insurance Institution) competent for the place of his last employment in Turkey. If the employed person is unable to submit the certificate, the competent Netherlands institution shall request the aforementioned institution to issue and forward the certificate.

Chapter 7

MISCELLANEOUS PROVISIONS

Article 37

1. Benefits payable by the institution of one country to beneficiaries who are resident in the other country shall be paid direct and on the due dates provided for by the legislation which the institution in question applies.

2. The competent institution shall pay cash benefits by international postal money order or banker's draft and shall, on the first occasion, inform the institution of the place of residence accordingly. However, such benefits may be paid by the institution of the place of residence as agent for the competent institution, if the latter so agrees. In that case, the competent institution shall inform the institution of the place of residence of the amount of the benefits and the date or dates on which they are to be paid, and of the maximum duration of the benefits.

Article 38

Benefits shall be paid to the beneficiaries without deduction of postal or bank charges.

Article 39

Any difficulties concerning the application of this Agreement shall be resolved by a commission composed of representatives of the competent authorities who are competent in social security matters and who may be accompanied by experts. The commission shall meet in each country alternately.

Article 40

The liaison agencies shall agree upon standard forms for the certificates and other documents required for the application of the Convention.

In addition, they may, by agreement, take supplementary administrative measures for the application of this Agreement.

Article 41

This Agreement shall enter into force on the same date as the Convention. It shall have effect for the same period as the Convention.

DONE in duplicate in the French language at The Hague, on 14 June 1967.

B. ROOLVINK

V. HALEFOĞLU
