

**No. 17097**

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**DENMARK  
and  
TURKEY**

**Convention on social security (with protocol). Signed at  
Copenhagen on 22 January 1976**

*Authentic texts: Danish, Turkish and English.  
Registered by Denmark on 26 September 1978.*

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**DANEMARK  
et  
TURQUIE**

**Convention relative à la sécurité sociale (avec protocole).  
Signée à Copenhague le 22 janvier 1976**

*Textes authentiques : danois, turc et anglais.  
Enregistrée par le Danemark le 26 septembre 1978.*

## CONVENTION<sup>1</sup> ON SOCIAL SECURITY BETWEEN THE KINGDOM OF DENMARK AND THE REPUBLIC OF TURKEY

The Government of Denmark and the Government of Turkey, desirous to regulate the relations between the two states in the field of social security,

Affirming the principle that the nationals of one of the two countries should receive, under the social security legislation of the other, equal treatment with the nationals of the latter,

Desirous of giving effect to this principle and of making arrangements enabling their nationals who go from one of the two countries to the other either to retain any rights which they have acquired under the legislation of the former country or to enjoy corresponding rights under the legislation of the latter country,

Have agreed as follows:

### TITLE I. GENERAL PROVISIONS

*Article 1.* For the purpose of the present Convention, unless the context otherwise requires,

- (a) “Contracting Party” means, according to the context, the Kingdom of Denmark or the Republic of Turkey.
- (b) “Territory” means, in relation to the Kingdom of Denmark, its national territory with the exception of Greenland and the Faroe Islands and, in relation to the Republic of Turkey, its national territory.
- (c) “National” means, in relation to the Kingdom of Denmark, a Danish subject and, in relation to the Republic of Turkey, a Turkish subject.
- (d) “Legislation” means, according to the context, the legislation specified in article 2 of this Convention in force in any part of the territory of one (or the other) Contracting Party.
- (e) “Competent authority” means, in relation to the Kingdom of Denmark, the Ministry of Social Affairs, the Ministry of Labour or the Ministry of the Interior, as the case may require, and, in relation to the Republic of Turkey, the Ministry of Social Security or other ministries concerned.
- (f) “Competent institution” means the institution responsible for providing benefits.
- (g) “Residence” means habitual residence which is lawfully established.
- (h) “Worker” means, in relation to the Kingdom of Denmark, any person who, from the fact of pursuing an activity in the service of an employer, is subject to the legislation on accidents at work and occupational diseases and, in relation to the Republic of Turkey, any person who, from the fact of pursuing an activity in the service of an employer, is subject to the legislation specified in paragraph 2 of article 2.

<sup>1</sup> Came into force on 1 February 1978, i.e., the first day of the second month following the exchange of the instruments of ratification, which took place at Copenhagen, in accordance with article 45.

(i) “Members of the family” means any persons defined or recognised as such by the legislation applied by the competent institution;

(j) “Survivors” means any persons defined or recognised as such by the legislation under which the benefits are granted.

(k) “Periods of insurance” means contribution periods as defined or recognised as periods of insurance by the legislation under which they were completed, and any other periods in so far as they are regarded by the said legislation as equivalent to periods of insurance.

(l) “Periods of employment” means periods defined or recognised as such by the legislation under which they were completed, and any other periods in so far as they are regarded by the said legislation as equivalent to periods of employment.

(m) “Periods of residence” means periods defined or recognised as periods of residence by the legislation under which they were completed or are deemed to have been completed.

(n) “Benefits” and “pensions” mean all benefits and pensions, including all elements thereof payable out of public funds, revalorisation increases and supplementary allowances, unless otherwise provided by this Convention, as also lump-sum benefits which may be paid in lieu of pensions and, where applicable, payments made by way of reimbursement of contributions.

*Article 2.* This Convention shall apply:

- (1) In relation to the Kingdom of Denmark, to the legislation on:
  - (a) National health security;
  - (b) The hospital service;
  - (c) Maternity care;
  - (d) Daily cash benefits in the event of sickness and childbirth;
  - (e) Rehabilitation;
  - (f) Industrial injuries and occupational diseases insurance;
  - (g) Family allowances;
  - (h) Unemployment insurance;
  - (i) National old-age pension;
  - (j) Invalidity pension;
  - (k) Widow’s pension;
  - (l) Labour Market Supplementary Pension (ATP); and
- (2) In relation to the Republic of Turkey, to the legislation on:
  - (a) Social insurance, covering accidents at work and occupational diseases, sickness, maternity, invalidity, old age, and survivors;
  - (b) Pension fund for public employees;
  - (c) Old-age, invalidity and survivors’ pension insurance for self-employed persons (BAG-KUR);

(d) The social insurance funds integrated in the Social Insurance System, provisional article 20 of the Act No: 506 (1964).

*Article 3.* (1) This Convention shall apply to all laws and regulations amending or supplementing the legislation specified in article 2 of this Convention.

(2) Notwithstanding the provision of paragraph (1) of this article, this Convention shall apply to such laws or regulations as relate to a new branch of social security only if so agreed between the Contracting Parties.

(3) This Convention shall apply to laws and regulations of a Contracting Party extending the application of the provisions in force to new categories of persons only if no objections are raised by the other Contracting Party within three months of the date of the official promulgation of the said laws or regulations.

*Article 4.* A national of one Contracting Party shall, if he is resident in the territory of the other Contracting Party, be subject to the legislation of the latter Party as specified in article 2 of this Convention.

*Article 5.* Save as otherwise provided by this Convention, any person who is subject to the legislation of a Contracting Party as specified in article 2 of this Convention shall enjoy the same rights, and be subject to the same obligations, under the said legislation as a national of the latter Party.

*Article 6.* Notwithstanding the provision of article 4, this Convention shall not apply to diplomatic or consular representatives or to civil servants or persons treated as such who are employed in diplomatic missions or consular posts.

*Article 7.* (1) Save as otherwise provided in this Convention, invalidity, old-age or survivors' pensions, pensions in respect of accidents at work and occupational diseases, and death grants acquired by any worker who is a national of a Contracting Party, or his survivors, under the legislation of one Contracting Party and, as appropriate, under the provisions of this Convention shall not be subject to any reduction, modification, suspension, withdrawal or confiscation by reason of the fact that the recipient resides in the territory of the other Contracting Party.

(2) The benefits referred to in paragraph (1) of this article acquired by a national of a Contracting Party other than a worker, or his survivors, under the legislation of one Contracting Party and, as appropriate, under the provisions of this Convention shall not be payable to that national, or his survivors, if they reside in the territory of the other Contracting Party.

*Article 8.* The legislative provisions of a Contracting Party for reduction, suspension or withdrawal of benefit in cases of overlapping with other social security benefits or other income may be invoked even though the right to such benefits was acquired under the legislation of the other Contracting Party or such income arises in the territory of the other Contracting Party. However, this provision shall not apply if the person concerned receives benefits in respect of invalidity, old-age, death (pensions) or occupational disease which are awarded by the institutions of both Contracting Parties in accordance with the provisions of articles 33 and 18 (b) respectively of this Convention.

*Article 9.* The general rule of article 4 of this Convention shall be subject to the following exceptions:

(a) A worker resident in the territory of a Contracting Party and employed by an undertaking whose registered office or place of business is situated in the territory of that Party, and who is posted by that undertaking to the territory of the other Contracting Party to perform work there on a temporary basis for the account of the undertaking, shall continue to be subject to the legislation of the former Party during the first twelve months he is staying in the territory of the latter Party. If the duration of the work to be performed in the territory of the other Contracting Party exceeds twelve months owing to unforeseeable circumstances, the legislation of the former Party shall continue to apply until the completion of the work, provided the competent authority of the Contracting Party to whose territory the worker was posted gives its consent; such consent must be requested before the end of the initial twelve-month period.

(b) A worker employed by a transport undertaking whose registered office or place of business is situated in the territory of one Contracting Party, and who is working in the territory of the other Contracting Party, shall be subject to the legislation of the former Party. Where the said undertaking has a branch or permanent representation in the territory of the other Contracting Party, a worker employed by such branch or agency and residing in the territory of that Party shall, however, be subject to the legislation of the Contracting Party in whose territory the said branch or permanent representation is situated.

(c) A worker employed on board a vessel flying the flag of a Contracting Party shall be subject to the legislation of that Party.

(d) A worker who, while not being habitually employed at sea, is employed in the territorial waters or in a port of a Contracting Party in the loading, discharge and repair of a vessel flying the flag of the other Contracting Party, but is not a member of the crew, or who is responsible for supervising such work, shall be subject to the legislation of the former Party.

*Article 10.* (1) Subject to the provision of article 6, the provision of article 4 shall apply to persons employed by diplomatic missions or consular posts and to the private domestic staff of agents of such missions or posts.

(2) However, persons covered by paragraph (1) of this article who are nationals of the Contracting Party represented by the mission or consular post concerned may opt to be subject to the legislation of that Party. Such right of option may be exercised once only. It shall be exercised within a period of six months from the date of entry into force of this Convention or from the date of entry of the worker into employment. The option shall take effect from the date of entry into force of this Convention in respect of workers who have entered into employment at the said date and, in other cases, from the date of entry into employment.

*Article 11.* The competent authorities of the two Contracting Parties may, by mutual agreement, provide for further exceptions to the general rule of article 4. Likewise, they may permit, by mutual agreement, that the exceptions set out in article 9 shall not apply in appropriate cases.

## TITLE II. SICKNESS AND MATERNITY

*Article 12.* A national of a Contracting Party who is resident in the territory of the other Contracting Party shall be entitled to benefits in kind and cash benefits in the event of sickness and maternity under the legislation of the latter

Party for himself and for such members of his family as are resident in the territory of the latter Party.

*Article 13.* The competent institution of a Contracting Party whose legislation makes the acquisition, retention or recovery of the right to benefits in respect of sickness or maternity conditional upon the completion of specified periods of insurance, employment or residence shall, to the extent necessary, take account of periods of insurance, employment or residence completed under the legislation of the other Contracting Party, as if they were periods completed under its own legislation.

*Article 14.* (1) Subject to paragraph (2) of this article, the competent institution of a Contracting Party whose legislation provides that the calculation of cash benefits in respect of sickness or maternity shall be based on the annual or average income from wage, salary or other earnings received by the protected person shall determine that annual or average income exclusively by reference to the income confirmed as having been received during the periods completed under the said legislation.

(2) In determining whether a worker who is a Turkish national satisfies the conditions for entitlement to daily cash benefit in the event of childbirth under Danish legislation in the case where the person concerned has not been subject to Danish legislation throughout the whole period of reference stated in the said legislation:

- (a) Insurance periods completed under Turkish legislation within the said period of reference, during which the person concerned has not been subject to Danish legislation, shall be taken into account, as if they were periods completed under the latter legislation; and
- (b) The person concerned shall be deemed to have received during the periods taken into account an average income from wage or salary equal to the average income from wage or salary confirmed as having been received during the periods completed under Danish legislation for the said period of reference.

*Article 15.* Where nationals of a Contracting Party are entitled to receive cash benefits in respect of sickness or maternity under the legislation of one Contracting Party such benefits shall be payable to the persons concerned also if they are resident in the territory of the other Contracting Party. The payment shall be made on the same conditions and to the same extent as apply to nationals of the Contracting Party in whose territory the competent institution is situated.

### TITLE III. ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES

*Article 16.* In determining the degree of invalidity resulting from [an] accident at work or an occupational disease under the legislation of one Contracting Party, any previous injury covered by the insurance of the other Contracting Party shall be taken into account.

*Article 17.* Where an occupational disease manifests itself after the person concerned has pursued, in the territories of both Contracting Parties, an activity likely to cause that disease, benefits shall be awarded under the legislation of the Contracting Party in whose territory the person concerned has last pursued the said activity.

*Article 18.* In the event of aggravation of an occupational disease for which a Danish or a Turkish national has received or is receiving benefit under the legislation of a Contracting Party, the following rules shall apply:

(a) If the beneficiary has not, while in receipt of benefits, been in employment under the legislation of the other Contracting Party likely to cause or aggravate the disease in question, the competent institution of the first Party shall be bound to meet the cost of the benefits under the legislation which it administers, taking into account the aggravation.

(b) If the beneficiary, while in receipt of benefits, has been in such employment under the legislation of the other Contracting Party, the competent institution of the first Party shall be bound to meet the cost of the benefits under the legislation which it administers without taking into account the aggravation. The competent institution of the second Party shall grant a supplement to the beneficiary, the amount of which shall be determined according to the legislation which it administers and shall be equal to the difference between the amount of benefits due after the aggravation and the amount which would have been due prior to the aggravation under the legislation which it administers if the disease in question had occurred under the legislation of that Party.

*Article 19.* The provision of paragraph (1) of article 14 shall apply by analogy in the calculation of cash benefits in respect of accidents at work and occupational diseases.

*Article 20.* The provision of article 15 shall apply by analogy in the payment of daily cash benefits in respect of accidents at work and occupational diseases.

#### TITLE IV. FAMILY BENEFITS

*Article 21.* A child who is resident in the territory of Denmark and whose father or mother is a Turkish national resident in the territory of Denmark shall be entitled to family allowance under Danish legislation under the same conditions as apply to Danish nationals.

*Article 22.* A child who is resident in the territory of Turkey and whose father or mother is a Danish national resident in the territory of Turkey shall be entitled to family allowance under Turkish legislation under the same rules as apply to Turkish nationals.

*Article 23.* Children of widows and widowers who are Turkish nationals, as well as orphan children of Turkish nationals, shall, if the children are resident in the territory of Denmark, be entitled to special family allowance under Danish legislation under the same rules as apply to such children of Danish nationals, provided the child or one of its parents has been resident in the territory of Denmark for at least six months and the deceased father and/or mother was resident in the territory of Denmark at the time of the death.

*Article 24.* Detailed rules for the payment of family allowances in such cases where a child is eligible for family allowance under the legislations of both Contracting Parties shall be laid down in the administrative agreement to be concluded in pursuance of article 34.

#### TITLE V. UNEMPLOYMENT INSURANCE

*Article 25.* Nationals of one Contracting Party shall, if they are resident in the territory of the other Contracting Party, be accorded equal treatment with

the nationals of the latter Party, as regards the right to be insured against unemployment.

## TITLE VI. OLD-AGE, INVALIDITY AND SURVIVORS' BENEFITS (PENSIONS)

### *Chapter 1. BENEFITS UNDER DANISH LEGISLATION*

*Article 26.* (1) Turkish nationals who have been employed as workers in the territory of Denmark for at least 12 months shall be entitled to a pension under the legislation on national old-age pension under the same rules as apply to Danish nationals, provided that, after attaining the age at which the right to acquire a pension under the said legislation matures and before attaining the normal minimum age at which a national old-age pension may be claimed, they have been ordinarily resident in the territory of Denmark for a total period of at least five years.

(2) Any other Turkish nationals shall be entitled to a pension under the legislation on national old-age pension under the same rules as apply to Danish nationals, provided that, after attaining the age of 15 and before attaining the normal minimum age at which a national old-age pension may be claimed, they have been ordinarily resident in the territory of Denmark for a total period of at least five years.

(3) However, as regards the entitlement of Turkish nationals to a pension under subsection (1) (iii) of section 2 of the National Old-Age Pension Act the provisions of article 27, cf. article 29 (i), below shall apply by analogy.

(4) Notwithstanding the provisions of paragraphs (1) and (2) of this article, the provisions of article 28 (1) (a) and article 28 (3) below may apply by analogy in determining the entitlement to a national old-age pension of Turkish nationals who are widows of Turkish workers and had attained the age of 62 when they were widowed.

(5) Notwithstanding the provisions of paragraphs (1) and (2) of this article, Turkish nationals who are receiving a pension under the legislation on invalidity pension or on widow's pension shall be entitled to receive, in lieu thereof, a pension under the legislation on national old-age pension on attaining the age qualifying them for such pension.

(6) Notwithstanding the provision of article 7 (1), a pension under the legislation on national old-age pension shall not be payable to a Turkish national who is the widow of a Turkish worker and resident in the territory of Turkey unless the pension is awarded under the provision of paragraph (4) of this article or has been substituted for a widow's pension awarded under article 28 (1) (a).

*Article 27.* (1) Turkish nationals who have been employed as workers in the territory of Denmark for at least 12 months shall be entitled to a pension under the legislation on invalidity pension under the same rules as apply to Danish nationals, provided that after attaining the age at which the right to acquire a pension under the said legislation matures, they have been ordinarily resident in the territory of Denmark for a continuous period of at least 12 months immediately before the date of the claim and that for at least 12 months during the latter period they have been able, physically and mentally, to carry out a normal occupation.



(2) Any other Turkish nationals shall be entitled to a pension under the legislation on invalidity pension under the same rules as apply to Danish nationals, provided that, after attaining the age of 15, they have been ordinarily resident in the territory of Denmark for a total period of at least five years, of which for a continuous period of at least 12 months immediately before the date of the claim, and that for at least 12 months during the latter period they have been able, physically and mentally, to carry out a normal occupation.

(3) Entitlement to a pension under paragraph (1) or (2) of this article shall be subject to the additional condition that the incapacity for work followed by invalidity occurred while the Turkish national concerned was resident in the territory of Denmark.

(4) The administrative agreement to be concluded in pursuance of article 34 shall lay down rules on the obligation of the claimant to stay in the territory of Denmark to the extent required by the investigation of his claim for a pension.

(5) Where a Turkish national has acquired the right to a pension under paragraphs (1) to (3) of this article, the conversion of his pension into a pension payable on a higher scale as a result of an aggravation of his invalidity shall not take place if the pensioner is resident outside the territory of Denmark.

*Article 28.* (1) A Turkish national shall be entitled to a pension under the legislation on widow's pension under the same rules as apply to Danish nationals, provided:

- (a) That her deceased husband had been employed as a worker in the territory of Denmark for at least 12 months; that after attaining the age at which the right to acquire a pension under the said legislation matures he had been resident in the territory of Denmark for a continuous period of at least 12 months immediately before his death; that for at least 12 months during the latter period he had been able, physically and mentally, to carry out a normal occupation; that his death occurred while he was resident in the territory of Denmark; or
- (b) That the woman concerned herself has been resident in the territory of Denmark for at least five years after attaining the age of 15, of which for a continuous period of at least 12 months immediately before the date of the claim, and that during that period she was able, physically and mentally, to carry out a normal occupation.

(2) A widow's pension under subsection (2) of section 1 of the Widow's Pension and Assistance Act may be awarded only under the provision of paragraph (1) (b) of this article and subject to the condition that the circumstances qualifying for such pension occurred while the woman concerned was resident in the territory of Denmark.

(3) The administrative agreement to be concluded in pursuance of article 34 shall provide rules on the obligation of the claimant to stay in the territory of Denmark to the extent required by the investigation of her claim for a pension.

(4) Notwithstanding the provision of article 7 (1), a pension under the legislation on widow's pension shall not be payable to a Turkish national resident in the territory of Turkey unless the pension is awarded under paragraph (1) (a) of this article.

*Article 29.* Periods of insurance completed under Turkish legislation shall be taken into account:

- (i) In calculating the amount of the pension to which a right has been acquired under article 27 as if they were periods of residence completed under Danish legislation;
- (ii) In the calculation of a pension payable to Danish nationals under subsection (1) (iii) of section 2 of the National Old-Age Pension Act, and under the Invalidity Pension Act, as if they were periods of residence completed under Danish legislation, provided the said periods of insurance do not entitle the person concerned to a pension under Turkish legislation and, as appropriate, under the provisions of this Convention.

*Article 30.* The provisions of articles 26 to 28 do not entitle a Turkish national to a pension under the transitional provisions of the Danish Acts of 7 June 1972 on the pension rights of Danish nationals who have been ordinarily resident in the Kingdom of Denmark for specified periods before the date of their claims.

*Article 31.* Notwithstanding the provisions of article 7, the following supplementary allowances and benefits under Danish legislation on national old-age, invalidity and widow's pensions shall not be payable to persons who are resident outside the territory of Denmark:

- (a) Pension supplement;
- (b) Wife's allowance;
- (c) Marriage allowance;
- (d) Personal allowances;
- (e) Outside assistance allowance;
- (f) Constant attendance allowance;
- (g) Disability benefit.

## *Chapter 2. BENEFITS UNDER TURKISH LEGISLATION*

*Article 32.* (1) Danish nationals resident in the territory of Turkey shall receive equal treatment with Turkish nationals as concerns the right to be insured under Turkish legislation on invalidity, old-age and survivors' pensions.

(2) Subject to the provisions of paragraph (6) of this article, Danish nationals and their survivors shall be entitled to pensions under Turkish legislation on invalidity, old-age and survivors' pensions under the same rules as apply to Turkish nationals provided they have been insured in conformity with the provisions contained in the said legislation for a total period of at least 12 months.

(3) In such cases where a Danish or a Turkish national or his survivors does not satisfy the conditions for entitlement to a pension when account is taken exclusively of the periods of insurance and contribution completed under Turkish legislation, the periods of residence completed by the person concerned under Danish legislation shall be taken into account to the extent necessary as if they were periods of insurance and contribution completed under Turkish legislation, in so far the said periods of insurance and contribution and the said periods of residence do not overlap.

(4) For the purpose of applying the preceding paragraph, the conversion necessary for the aggregation of periods shall be carried out according to the following rules:

- (a) One year of residence completed under Danish legislation shall be equivalent to 360 days of contribution completed under Turkish legislation; and
- (b) One month of residence completed under Danish legislation shall be equivalent to 30 days of contribution completed under Turkish legislation.

(5) In the calculation of pensions to which a right is acquired under the preceding paragraphs (3) and (4) the provisions contained in paragraph (1) (a)-(c) of article 33 shall apply.

(6) Where a Danish national or his survivors otherwise satisfy the conditions for entitlement to an invalidity pension or an anticipatory old-age pension or—in the case of his survivors—to survivors' pensions under Turkish legislation, the entitlement of the said Danish national or of his survivors to such pension or pensions shall be subject to the additional condition:

- (a) In the case of invalidity pension that the incapacity for work followed by invalidity occurred while the Danish national concerned was resident in the territory of Turkey;
- (b) In the case of anticipatory old-age pension that the circumstances qualifying for such pension occurred while the Danish national concerned was resident in the territory of Turkey;
- (c) In the case of survivors' pensions that the death of the insured Danish national occurred while he was resident in the territory of Turkey.

### Chapter 3. CO-ORDINATION OF PENSIONS

*Article 33.* (1) Where the right to an old-age, invalidity or widow's pension has been acquired under the legislations of both Contracting Parties and, as appropriate, under the provisions of this Convention, the following rules shall apply:

(a) The competent institution of each Contracting Party shall calculate the theoretical amount of benefit that the person concerned could claim if all the periods of insurance and residence completed under the legislations of both Contracting Parties had been completed in the territory of the Party in question and under the legislation administered by it at the date the benefit is to be awarded. If, under that legislation, the amount of the benefit does not depend on the length of the periods completed, then that amount shall be taken as the theoretical amount referred to in this subparagraph.

(b) The institution shall then establish the actual amount of the benefit on the basis of the theoretical amount referred to in subparagraph (a) of this paragraph and in the ratio which the length of the periods of insurance or residence completed before the materialisation of the risk under the legislation administered by that institution bears to the total length of the periods of insurance and residence completed before materialisation of the risk under the legislations of both Contracting Parties.

(c) If the total length of the periods of insurance and residence completed under the legislations of both Contracting Parties before the materialisation of the risk is longer than the maximum period of insurance or residence required by the

legislation of one of the Parties concerned for receipt of full benefit, the competent institution of that Party shall, when applying the provisions of this paragraph, take into consideration this maximum period of insurance or residence instead of the total length of the periods completed; this method of calculation must not result in the imposition on that institution of the costs of a benefit greater than the full benefit provided for by the legislation which it administers.

(2) The application of the provisions of paragraph (1) of this article shall not result in the total amount of the pensions payable by the Contracting Parties being lower than the amount of the pension to which the right is acquired solely under the legislation of the Contracting Party in whose territory the pensioner is resident and, as appropriate, under the provisions of this Convention. The competent institution of that Party shall, if necessary, pay the pensioner throughout the period of his residence in its territory a supplement equal to the difference.

(3) The provision of paragraph (1) of this article shall apply even where the pensions acquired are not of the same kind.

(4) The administrative agreement to be concluded in pursuance of article 34 may provide for detailed rules as to the calculation of pensions under paragraph (1) of this article to widows or to single or divorced women whose pensions are calculated, in whole or in part, on the basis of periods of insurance or residence completed by the said women themselves.

#### TITLE VII. MISCELLANEOUS PROVISIONS

*Article 34.* The competent authorities of the two Contracting Parties shall:

- (a) Conclude the necessary administrative agreement for the application of this Convention;
- (b) Communicate to each other all information regarding the measures taken for the application of this Convention;
- (c) Communicate to each other all information regarding changes made in their legislation which may affect the application of this Convention;
- (d) Designate in the above-mentioned administrative agreement liaison bodies with a view to facilitating the application of this Convention.

*Article 35.* For the purposes of applying this Convention:

(a) The competent authorities and institutions of the Contracting Parties shall lend their good offices and act as though applying their own legislation. Such mutual administrative assistance shall, as a rule, be afforded free of charge by the said authorities and institutions. However, the competent authorities of the Contracting Parties may agree to certain expenses being reimbursed.

(b) The authorities and institutions of the Contracting Parties may communicate directly with each other and with the persons concerned or their representatives. In such communication use shall be made of the English or French language.

(c) The authorities, institutions and courts of the Contracting Parties may not reject claims or other documents submitted to them on the grounds that they are written in the official language of the other Contracting Party.

*Article 36.* (1) Any exemption from or reduction of taxes, stamp duty, notarial or registration fees provided for in the legislation of a Contracting

Party in respect of certificates or documents required to be produced for the purposes of the legislation of that Party shall be extended to similar certificates or documents required to be produced for the purposes of the legislation of the other Contracting Party or of this Convention.

(2) All statements, documents and certificates of any kind whatsoever required to be produced for the purposes of this Convention shall be exempt from authentication by diplomatic or consular authorities.

*Article 37.* Any claim for old-age, invalidity or survivors' benefits (pensions), for pensions in respect of accidents at work and occupational diseases, and for death grants (funeral benefit) shall be submitted in accordance with the provisions of the administrative agreement to be concluded in pursuance of article 34.

*Article 38.* Any claim, declaration or appeal which should have been submitted, in order to comply with the legislation of a Contracting Party, within a specified period to an authority, institution or court of that Party shall be admissible if it is submitted within the same period to a corresponding authority, institution or court of the other Contracting Party. In such a case the authority, institution or court receiving the claim, declaration or appeal shall forward it without delay to the competent authority, institution or court of the former Party either directly or through the competent authorities of the Party concerned. The date on which such claims, declarations or appeals were submitted to the authority, institution or court of the other Contracting Party shall be considered as the date of their submission to the competent authority, institution or court which shall investigate them.

*Article 39.* The administrative agreement to be concluded in pursuance of article 34 shall provide for rules as to the carrying out of the medical examinations prescribed by the legislation of a Contracting Party in cases where the person concerned is resident or staying in the territory of the other Contracting Party.

*Article 40.* The administrative agreement to be concluded in pursuance of article 34 shall provide for the procedure to be followed in the payment of benefits to persons who are resident in a Contracting Party other than that in whose territory the institution responsible for payment is situated.

*Article 41.* The administrative checks and medical examinations of persons who receive benefits under the legislation of a Contracting Party but stay or are resident in the territory of the other Contracting Party shall be carried out in accordance with the provisions of the administrative agreement to be concluded in pursuance of article 34.

*Article 42.* The special provisions of Danish legislation on the membership of foreign workers in the Labour Market Supplementary Pension Scheme (ATP) shall apply to Turkish workers employed in the territory of Denmark.

*Article 43.* Any dispute that may arise in connection with the application of this Convention shall be resolved by mutual agreement between the competent authorities of the two Contracting Parties.

#### TITLE VIII. FINAL PROVISIONS

*Article 44.* (1) No right shall be acquired under this Convention for any period prior to the date of its entry into force.

(2) All periods of insurance, employment or residence completed under the legislation of a Contracting Party before the date of entry into force of this Convention shall be taken into consideration for the determination of rights to benefits under this Convention. Notwithstanding that provision and the provision of article 7, periods of residence completed under the legislation of Denmark prior to 1 April 1957 shall not be taken into consideration for the calculation of the amounts of national old-age, invalidity or widow's pension under Danish legislation payable to Turkish nationals resident in the territory of Turkey.

(3) Subject to the provision of paragraph (1) of this article, a right shall be acquired under this Convention, even though relating to a contingency which materialised prior to the entry into force of this Convention.

(4) Any benefit which has not been awarded or which has been suspended by reason of the nationality of the person concerned or his residence in the territory of the other Contracting Party shall, on the application of that person, be awarded or resumed with effect from the date of entry into force of this Convention, provided that the rights previously determined have not given rise to a lump-sum payment. Where the legislation of a Contracting Party does not require the filing of a claim for a benefit, such benefit shall be awarded without the person concerned submitting any application therefor.

(5) If the application referred to in paragraph (4) of this article is submitted within two years from the date of entry into force of this Convention, the rights acquired under this Convention shall have effect from that date. If the application referred to in paragraph (4) of this article is submitted after the expiry of the two-year period following the date of entry into force of this Convention, rights which have not been forfeited or are not barred by limitation shall have effect from the date on which the application was submitted.

*Article 45.* This Convention shall be ratified and the instruments of ratification shall be exchanged at Copenhagen. The Convention shall enter into force on the first day of the second month following the month in which the instruments of ratification are exchanged.

*Article 46.* (1) This Convention shall remain in force for a period of twelve months as from the date of its entry into force. Thereafter it shall continue to be in force from year to year unless it is denounced in writing by the Government of any of the Contracting Parties, which shall be done at least three months before the expiry of any one-year period. In the case of such denunciation, the Convention shall cease to be in force at the expiry of the one-year period in which it is denounced.

(2) The termination of the Convention shall be without prejudice to any rights previously acquired by a person in accordance with its provisions. Any questions relating to the award of future benefits by virtue of rights in the course of acquisition at the time when the Convention ceases to have effect following denunciation shall be settled by special agreement.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed this Convention.

DONE in triplicate at Copenhagen this twenty-second day of January 1976, in the Danish, Turkish and English languages, each version being equally authoritative.

For the Danish Government:

K. B. ANDERSEN

For the Turkish Government:

İHSAN SABRI ÇAĞLAYANGİL

### PROTOCOL

In connection with the Convention on social security signed today between the Kingdom of Denmark and the Republic of Turkey, the Contracting Parties have agreed as follows:

1. The co-ordination of pensions dealt with in article 33 of the Convention shall not apply to a pension acquired under Danish legislation on the Labour Market Supplementary Pension Scheme (ATP).
2. The conditions for entitlement to daily cash benefit in the event of child-birth under Danish legislation shall not be deemed to be fulfilled if the person concerned has solely registered with the public employment service as being available for employment.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed this Protocol.

DONE in triplicate at Copenhagen this twenty-second day of January 1976, in the Danish, Turkish and English languages; each version being equally authoritative.

For the Danish Government:

K. B. ANDERSEN

For the Turkish Government:

İHSAN SABRI ÇAĞLAYANGİL

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