

**AGREEMENT BETWEEN THE REPUBLIC OF TURKEY AND  
THE SLOVAK REPUBLIC ON SOCIAL SECURITY**

The Republic of Turkey and the Slovak Republic (hereinafter called Contracting Parties), being desirous of regulating relations between the two states in the field of social security, have agreed as follows:

**PART I  
GENERAL PROVISIONS**

**Article 1  
Definitions**

1. For the purpose of this Agreement:

- (a) "*legislation*" means the law, by-law and the regulations, which relate to the social security branches and schemes specified in Article 2;
- (b) "*competent authority*" means in relation to the Republic of Turkey, Ministry of Labour and Social Security and other related Ministries, in relation to the Slovak Republic, Ministry of Labour, Social Affairs and Family of the Slovak Republic;
- (c) "*competent institution*" means the institution(s) responsible for the implementation of the legislation mentioned in Article 2;
- (d) "*institution*" means the authority or the body responsible for applying in all or any part of the legislation mentioned in Article 2;
- (e) "*insured person*" means the person who is or has been subject to the legislation mentioned in Article 2;
- (f) "*periods of insurance*" means the periods over which insurance contributions have been paid or are deemed to have been paid;
- (g) "*pension*" and "*benefit*" means all pension and benefit provided by the legislation mentioned in Article 2;
- (h) "*residence*" means ordinary residence;
- (i) "*stay*" means temporary stay;
- (j) "*members of the family*" means the persons defined, or recognised as such by the legislation applied by the competent institution;
- (k) "*survivor*" means the persons defined, or recognised as such by the legislation according to which benefits and pensions are provided.

2. Other terms and expressions, which are used in this Agreement, shall have the meanings respectively assigned to them in the legislation applicable.

**Article 2**  
Material scope

1. This Agreement shall apply to the following legislation:

A- In relation to the Republic of Turkey:

- 1) Social Insurance Act covering the contract workers and Social Insurance Act for the Contract Agricultural Workers (old-age, invalidity, survivors, work accidents and occupational diseases);
- 2) The Act on the Retirement Fund of the Republic of Turkey covering the rights of civil servants (old-age, invalidity and survivors);
- 3) Social Insurance Institution Act for Tradesmen, Craftsmen, Artisans and Other Self-Employed, and the Act of Social Insurance Act for persons working on their own behalf in the field of agriculture (old-age, invalidity and survivors);
- 4) Legislation relating to pension funds as stipulated in the Provisional Article 20 of Social Insurance Act No. 506. (old-age, invalidity, survivors, work accidents and occupational diseases);
- 5) Unemployment Insurance Act applying to insured who is working under the Articles of this Agreement.

B- In relation to the Slovak Republic regulating:

General social security scheme

- 1) Pension insurance (old-age, invalidity and survivors' benefits);
- 2) Work accidents and occupational diseases;
- 3) Unemployment insurance;
- 4) Funeral allowance;
- 5) Family benefits.

2. This Agreement shall also apply to any legislation, which supersedes, replaces, amends, supplements or consolidates the legislation specified in paragraph 1, provided that the terms of paragraph 3 are reserved.

3. This Agreement shall also apply to the legislation relating to a new social insurance branch only on condition that an agreement is concluded for this purpose between the Contracting Parties.

**Article 3**  
Personal scope

Unless otherwise is provided in this Agreement, this Agreement shall apply to the persons, to who applies or has applied legislation of one contracting party or of both Contracting Parties and to other persons who derive their rights from such persons.

**Article 4**  
Equal treatment

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

**Article 5**  
Export of benefits

Unless otherwise is provided in this Agreement, benefits provided according to the legislation of one of the Contracting Parties to persons identified in Article 3, shall continue to be paid at the same rate while they are resident in the territory of the other Contracting Party or in the territory of a third state other than the Contracting Parties.

**Article 6**  
Prevention of overlapping of benefits

1. Where, according to the legislation of one Contracting Party the benefit provided is reduced, suspended or withdrawn in case it overlaps with other social security benefits, such terms shall apply when rights to social security benefits under the legislation of the other Contracting Party are acquired.

2. Paragraph 1 shall not apply to benefits in respect of invalidity, old age, death or occupational disease to be awarded by the institutions of both Contracting Parties, in accordance with the provisions of Article 14 and Article 18 subparagraph b).

**PART II**  
**APPLICABLE LEGISLATION**

**Article 7**  
General rules

Unless otherwise provided in this Agreement:

1. Persons who are employed in the territory of either Contracting Party shall, with respect to that employment, be subject to the legislation of only that Contracting Party, even if they reside in the territory of the other Contracting Party, or if their employer or the registered office of their employer is located in the territory of the other Contracting Party.
2. A self-employed person who performs his/her activity in the territory of either Contracting Party shall be subject to the legislation of that Contracting Party, even if he/she resides in the territory of the other Contracting Party.
3. Civil servants and persons deemed as such of either Contracting Party shall be subject to the legislation of the Contracting Party to which the administration employing them is subject.

**Article 8**  
Temporary posting

1. Where a person employed in the territory of either Contracting Party is posted by his employer to perform certain work in the territory of the other Contracting Party he/she shall continue to be subject to the legislation of the first Contracting Party for a period not exceeding 24 months provided that he/she maintains the employee status of the same employer.
2. Where a self-employed person who performs an occupation in the territory of either Contracting Party moves to the territory of the other Contracting Party to carry out his/her occupation temporarily there, he/she shall continue to be subject to the legislation of the first Contracting Party, for a period not exceeding 24 months.

**Article 9**  
Personnel of international transport undertaking

1. A person who is a member of the travelling or flying personnel of an undertaking which, for hire or on its own account, operates international transport services for passengers or goods by road, rail, air or waterway and has its registered office in the territory of other Contracting Party shall be subject to the legislation of that Contracting Party.
2. A person who is employed by a branch office or permanent representation established in the territory of a Contracting Party other than that where it has its registered office shall be subject to the legislation of the Contracting Party in whose territory such branch office or permanent representation is established.

## **Article 10**

### Crew members on vessels

1. A person who is employed on board a vessel flying the flag of either Contracting Party shall be subject to the legislation of that Contracting Party.
2. Where a person who normally follows his/her occupation in the territorial waters or in a port of a Contracting Party but who is not a member of the crew, is engaged in loading, unloading and repairing a vessel flying the flag of other Contracting Party or supervises such activities, he/she shall be subject to the legislation of the Contracting Party of the port or territorial waters.
3. A person who is engaged on board a vessel flying the flag of a Contracting Party and who is paid for this engagement by an undertaking having its principal place of business, or by a person having his place of residence in the territory of other Contracting Party, shall be subject to the legislation of the latter Contracting Party if he/she resides in that territory; the undertaking or person paying the remuneration shall be considered as employer for the purpose of the application of the said legislation.

## **Article 11**

### Diplomatic missions and consular posts

1. Members of diplomatic missions or consular posts of either Contracting Party as well as those posted by the Contracting Party which the diplomatic mission or consular post belongs to, to work in the private service of members shall be subject to the legislation of the posting Contracting Party.
2. The service personnel referred to in paragraph 1 of this Article shall be subject to the legislation of the receiving Contracting Party should they are engaged locally. They may opt for the application of the legislation of the employing Contracting Party within three months following the date of their engagement provided that they are nationals of that Contracting Party.

## **Article 12**

### Exemptions

The competent authorities of the Contracting Parties may agree on exceptions to the provisions of Articles 7 to 11 of this Agreement regarding the legislation applicable to a person or groups of persons.

# PART III SPECIAL PROVISIONS

## SECTION I OLD-AGE, INVALIDITY AND SURVIVORS' BENEFITS

### Article 13

#### Aggregation of periods of insurance

1. Where the legislation of either Contracting Party makes entitlement to benefits conditional upon the completion of periods of insurance, the competent institution of that Contracting Party shall take into account periods of insurance completed under the legislation of the other Contracting Party, in so far as they do not coincide, as if they were periods of insurance completed under the legislation of the first Contracting Party.

Where a person does not qualify for a benefit pursuant to the provisions of this Article, the Contracting Parties shall also take account of the insurance periods completed under the legislation of a third state with which both Contracting Parties concluded an Agreement on Social Security, in so far as they do not coincide.

2. The method for conversion of periods of insurance under the Slovak and Turkish legislation will be specified in the Administrative Arrangement.

3. In determining the conditions with regard to the entitlement to a benefit according to the Turkish legislation, the date of the first start to work in the territory of the other Contracting Party shall be taken into consideration.

### Article 14

#### Calculation of benefits

1. Where the person concerned satisfies the conditions under the legislation of either Contracting Party without regard to the provisions of Article 13, the competent institution of that Contracting Party shall calculate the benefits solely on the basis of the periods completed under the legislation it applies.

2. Where the person concerned satisfies the conditions under the legislation of either Contracting Party, only with regard to the provisions of Article 13, the competent institution of this Contracting Party shall calculate the benefit as follows:

(a) the competent institution shall calculate the theoretical amount of benefits payable as if all the periods completed under the legislation of both Contracting Parties had been completed solely under the legislation which that institution applies;

(b) however, in case of benefits the amount of which does not depend on the length of periods completed, that amount shall be taken to be the theoretical amount referred to in the preceding subparagraph;

(c) the competent institution shall then calculate the actual amount of benefit payable by it to the person concerned on the basis of the theoretical amount calculated in

accordance with the provisions of subparagraph (a) or of subparagraph (b) of this paragraph, as appropriate, and in proportion to the relationship between the periods completed before the contingency arose under the legislation it applies and the total of the periods completed before the contingency arose under the legislation of both Contracting Parties. This is the amount payable to the person concerned.

3. In order to determine the average earning which shall be taken into consideration for calculation of the benefits payable, the competent institution shall take into consideration the earnings corresponding only to the insurance periods completed under the legislation it applies.

4. In case, the institution of the Slovak Republic can calculate the amount of benefit only with regard to the periods of insurance completed pursuant to the Slovak legislation, the provisions of paragraph 2 shall not be applied.

### **Article 15**

#### **Periods of insurance less than one year**

1. Notwithstanding the provisions of Article 14, where the total duration of the periods of insurance completed under the legislation of a Contracting Party is less than one year and where, on the basis of those periods only, no right to benefit exists under that legislation, the institution of the Contracting Party concerned shall not be bound to grant benefit in respect of the said periods.

2. In this case, the competent institution of the other Contracting Party, shall calculate the pension by taking into account the periods of insurance referred to in paragraph 1 of this Article as if those periods had been completed under the legislation it applies.

## **SECTION II**

### **FUNERAL ALLOWANCE**

#### **Article 16**

##### **Payment of funeral allowance**

1. The provision of funeral allowance is governed exclusively by the respective legislation of each Contracting Party.

2. Where in the application of this Agreement a right to funeral allowance under the legislation of both Contracting Parties exists, the allowance shall be paid only under the legislation of the Contracting Party in the territory of which the death occurs.

**SECTION III**  
**OCCUPATIONAL DISEASES AND WORK ACCIDENTS**

**Article 17**

Exposition to the same risk in both Contracting Parties

1. Where a person contracts an occupational disease after engaging in the territories of both Contracting Parties in an occupation liable to cause that disease, benefits which he/she or his/her survivors may be entitled shall be awarded under the legislation of the last Contracting Party the conditions of which are satisfied, regard being given, where appropriate, to the provision of paragraphs 2 to 4 of this Article.
2. Where under the legislation of one Contracting Party the eligibility to receive benefits for occupational diseases is conditional upon the disease in question being first diagnosed in its territory, that condition shall be deemed to have been satisfied had the disease being first diagnosed in the territory of the other Contracting Party.
3. Where under the legislation of one Contracting Party the eligibility to receive benefits for occupational diseases is conditional upon the disease in question being diagnosed within a specified period after the termination of the last occupation liable to cause such a disease, the competent institution of that Contracting Party shall take into account any similar occupation engaged in the territory of the other Contracting Party as if they had been performed under the legislation of the first Contracting Party.
4. Where under the legislation of one Contracting Party the granting of benefits for occupational diseases is explicitly or implicitly subject to the condition that an occupation liable to cause the disease in question was carried out for a specific period, the competent institution of that Contracting Party shall in process of aggravation take into account periods during which such an occupation was carried on in the territory of the other Contracting Party

**Article 18**

Aggravation of an occupational disease

The following rules shall be applied when the condition of an insured person who has received cash benefits according to the legislation of one of the Contracting Parties for an occupational disease, aggravates during his/her residence in the territory of the other Contracting Party:

- (a) Where an insured person who has contracted an occupational disease is not engaged, under the legislation of the second Contracting Party, in an occupation liable to cause or aggravate the disease in question, the competent institution of the first Contracting Party shall provide cash benefit, taking the degree of aggravation into account, in accordance with the provisions of the legislation that it applies;
- (b) Where the insured person is engaged in such an occupation in the territory of the second Contracting Party, the competent institution of the first Contracting Party shall provide cash benefit, without taking the degree of aggravation into account, in accordance with the provisions of the legislation it applies; the competent institution of



the second Contracting Party shall grant to the worker a cash benefit the amount of which shall be equal to the difference between the amount of cash benefit due in accordance with the provisions of the legislation which it applies after the aggravation and the amount of cash benefit that would have been due before the aggravation.

## **SECTION IV UNEMPLOYMENT BENEFIT**

### **Article 19**

#### Aggregation of periods of insurance

1. Where the entitlement to benefits according to one of the Contracting Parties' legislation is conditional upon the completion of periods of insurance, the competent institution of that Contracting Party shall take into account periods of insurance completed under the legislation of the other Contracting Party, in so far as they do not coincide.
2. The amount, duration and payment procedures are determined according to the legislation applied by the competent institution providing the benefits.

## **SECTION V FAMILY BENEFITS**

### **Article 20**

#### Aggregation of periods of insurance

Where the legislation of either Contracting Party makes entitlement to family benefits conditional upon the completion of periods of insurance, the competent institution of that Contracting Party shall take into account periods of insurance completed under the legislation of the other Contracting Party, in so far as they do not coincide, as if they were periods of insurance completed under the legislation of the first Contracting Party.

### **Article 21**

#### Provision of family benefits

1. The provision of family benefits is governed exclusively by the respective legislation of each Contracting Party.
2. Where in the application of this Agreement a right to family benefits under the legislation of both Contracting Parties exists, the benefits shall be paid only under the legislation of the Contracting Party in the territory of which a person has the residence.

## **PART IV MISCELLANEOUS PROVISIONS**

### **Article 22**

#### Administrative measures and co-operation

1. The competent authorities of both Contracting Parties shall:

- (a) determine the administrative measures necessary for the application of this Agreement;
- (b) communicate to each other as soon as possible, all information about the measures taken by them for the application of this Agreement and about changes in their national legislation in so far as these changes affect the application of this Agreement;
- (c) establish liaison bodies for the purpose of facilitating the implementation of this Agreement.

2. The competent authorities and institutions of both Contracting Parties shall assist each other on any matter relating to the application of this Agreement as if the matter affected the application of their own legislation. Such assistance shall be free of charge.

3. The medical examinations to determine the invalidity of those who reside or stay in the territory of a Contracting Party prescribed under the legislation of either Contracting Party, shall be carried out by the institution of the place of residence or stay upon the request of the competent institution without mutual reimbursement of cost.

4. Any information about an individual, which is communicated to either Contracting Party by the other Contracting Party in accordance with, and for the purposes of, this Agreement, shall be deemed confidential and be used only for the purpose of implementing this Agreement and the legislation to which this Agreement applies.

### **Article 23**

#### Use of official languages

1. For the purposes of the application of this Agreement, the authorities and the institutions of the two Contracting Parties may communicate with each other in their official languages or in English.

2. No claim or document shall be rejected on the ground that it is written in the official language of the other Contracting Party or in English.

### **Article 24**

#### Exemption from charges and authentication

1. Where according to the legislation of one Contracting Party any certificate or other document which is submitted under the legislation of that Contracting Party is exempted, either wholly or partly, from any taxes, legal dues, consular fees or administrative charges, such exemption shall apply to any certificate or other document which is submitted under the legislation of the other Contracting Party or in accordance with this Agreement.

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

## **Article 25**

### Submission of a claim or appeal

1. Any claim or appeal which should, for the purposes of the legislation of either Contracting Party, have been submitted within a prescribed period to an institution of that Contracting Party shall be treated as if it had been submitted to that institution, if it is submitted within the same period to a corresponding institution of the other Contracting Party.
2. A claim for benefit submitted under the legislation of one Contracting Party shall be deemed as a claim for a similar benefit under the legislation of the other Contracting Party. This does not apply, however, if the applicant expressly requests the award of old-age benefit under the legislation of one of the Contracting Party to be postponed.

## **Article 26**

### Responsibility of a third party

If a person is receiving benefits under the legislation of either Contracting Party on account of an injury caused or sustained in the territory of the other Contracting Party, the rights of the institution liable to pay benefits against the third party is liable to pay damages shall be regulated in the following manner:

- (a) where the said institution, under the legislation applicable to it, is substituted for the beneficiary in any rights which he may have against the third party, such substitution shall be recognised by the other Contracting Party; and
- (b) where the said institution has a direct right against the third party, such right shall be recognised by the other Contracting Party.

## **Article 27**

### Recovery of undue payments

If, during the assessment or revision of old-age, invalidity or survivors' benefits under the provisions of the Agreement, the institution of either Contracting Party has paid to a beneficiary a sum in excess of his entitlement, it may request the institution of the other Contracting Party responsible for the payment of corresponding benefit to that person to deduct the amount overpaid from any arrears payable due to him. The latter institution shall transfer the amount so deducted to the creditor institution. If recovery cannot be made in this way, the provisions of the following paragraph shall apply;

- (a) Where the institution of either Contracting Party has paid to a beneficiary a sum in excess of his entitlement, that institution may, on the conditions and to the extent permissible under the legislation it applies, request the institution of the other Contracting Party responsible for the payment of benefit to that person to deduct the amount overpaid from the payments it is making to him. The latter institution shall deduct that amount to the extent to which such deduction is permissible under the legislation it applies, as if the overpayment had been made by it, and shall transfer the amount so deducted to the creditor institution.

(b) Where the institution of either Contracting Party has made an advance payment of benefit for a period during which the beneficiary was entitled to corresponding benefit under the legislation of that Contracting Party, it may request the institution of the other Contracting Party to deduct the amount of the advance from payments due to him for the same period. The latter institution shall deduct the amount and transfer it to the creditor institution.

## **Article 28**

### **Enforcement Procedures**

1. Enforceable court decisions of either contracting party as well as enforceable documents issued by an authority or institution of either Contracting Party, in respect of social security contributions or other social security related claims shall be recognized in the territory of the other Contracting Party.
2. Recognition may be refused only if it is contrary to the public order of the Contracting Party in whose territory the decision or document should be enforced.
3. Enforceable decisions and documents recognized under paragraph 1 of this Article shall be enforced in the territory of the other Contracting Party. The enforcement procedure shall be in compliance with the legislation governing the enforcement of such decisions and documents of the Contracting Party in whose territory enforcement takes place. The decision or document shall be accompanied by a certificate indicating its enforceability (enforcement clause).
4. Overdue contributions to the institution of either Contracting Party shall, in any bankruptcy procedure or enforced settlement in the territory of the other Contracting Party, have the same precedence as equivalent claims in the territory of that Contracting Party.

## **Article 29**

### **Currency of payments**

Payment of any benefit in accordance with this Agreement shall be made in the currency of the Contracting Party whose competent institution makes the payment, and any such payment shall constitute a full discharge of the obligation in respect of which payment has been made.

## **Article 30**

### **Resolution of disputes**

1. The competent authorities of both Contracting Parties shall make all reasonable efforts to resolve through mutual agreement any dispute about the interpretation or application of this agreement.

2. If any dispute cannot be resolved pursuant to paragraph 1 of this Article and within six months, it shall be submitted, at the request of the competent authority of either Contracting Party, to an arbitration tribunal which shall be composed in the following manner:

(a) each Contracting Party shall in order to have the dispute resolved by an arbitration tribunal appoint an arbitrator within six months from receipt of the request for arbitration. The two arbitrators shall appoint a third arbitrator, who shall not be a national of either Contracting Party (within two months from the date on which the Contracting Party which was the last to appoint its arbitrator notified the other Contracting Party of the appointment);

(b) if, within the prescribed period, either Contracting Party fails to appoint an arbitrator, the other Contracting Party may request the President of the International Court of Justice or, in the event of his having the nationality of one of the Contracting Parties, the Vice-President or next senior judge of that Court not having the nationality of either Contracting Party, to make the appointment. A similar procedure shall be adopted at the request of either Contracting Party if the two arbitrators cannot agree on the appointment of the third arbitrator.

3. The decision of the arbitration tribunal, which shall be binding on both Contracting Parties, shall be made by majority vote. The arbitration tribunal shall determine its own rules of procedure, and its costs shall be borne equally by both Contracting Parties.

## **PART V**

### **TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 31**

##### Transitional provisions

1. This Agreement shall confer no rights for any period before its entry into force.
2. All periods of insurance completed under the legislation of a Contracting Party before the entry into force of this Agreement shall be taken into account for the purpose of determining rights arising from this Agreement.
3. Subject to paragraph 1 of this Article, rights shall arise under this Agreement even in respect of a contingency, which arose before its entry into force.
4. Any benefits due only by virtue of this Agreement shall be determined, at the request of the person concerned and in accordance with the provisions of this Agreement, with effect from the entry into force of this Agreement, unless the rights previously determined have given rise to a lump-sum payment.
5. Where the request referred to in paragraph 4 of this Article is submitted within two years of the entry into force of this Agreement, the rights arising in accordance with the provisions of this Agreement shall be acquired as from that date, and those provisions of the legislation of either Contracting Party concerning the forfeiture or limitation of rights shall not be invoked against the person concerned. If the request is submitted after two years of the

entry into force of this Agreement, the date of request is taken into consideration, whereas more favourable provisions of the national legislation shall be applied.

### **Article 32**

#### Ratification and entry into force

1. This Agreement shall be ratified according to the legislation of the Contracting Parties and the instruments of ratification shall be exchanged as soon as possible.
2. The Agreement shall enter into force on the first day of the third month following the month in which the instruments of ratification are exchanged.

### **Article 33**

#### Duration of the Agreement

This Agreement shall remain in force indefinitely. Each of the Contracting Parties may, however, denounce it in writing. In such a case the validity of the Agreement expires three calendar months after the date of the delivery of the notice on denunciation to the other Contracting Party.

### **Article 34**

#### Maintaining of rights

1. In the event of denunciation of this Agreement, all rights acquired under its provisions shall be maintained.
2. Rights in process of acquisition in respect of periods before the date on which the denunciation takes effect shall not lapse as a result of the denunciation and Contracting Parties shall come together as soon as possible to give a decision on these subjects. If any dispute arises, the provisions of the Article 30 shall be applied. Their subsequent continued recognition shall be determined by agreement or, failing such agreement, by the legislation, which the institution concerned, applies.

Done in Ankara on 25/01/2007, in two originals, each in Turkish, Slovak and English languages, all versions being equally authentic. In case of divergences of interpretation, the English version shall prevail.

**For the Republic of Turkey**

**Murat BAŞESGİOĞLU**  
Minister of Labour  
and Social Security

**For the Slovak Republic**

**Viera TOMANOVA**  
Minister of Labour,  
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