

**AGREEMENT**  
**BETWEEN**  
**THE GOVERNMENT OF THE REPUBLIC OF TURKEY**  
**AND**  
**THE GOVERNMENT OF HUNGARY**  
**ON SOCIAL SECURITY**

The Government of the Republic of Turkey and the Government of Hungary (hereinafter referred to as "Contracting Parties") being desirous of regulating their relationship in the field of social security, have agreed as follows:

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**PART I  
GENERAL PROVISIONS**

**Article 1  
Definitions of Terms**

(1) For the purpose of this Agreement the terms used shall mean:

**a) 'Territory':**

in relation to the Republic of Turkey, the territory of the Republic of Turkey;

in relation to Hungary, the territory of Hungary;

**b) 'Legislation':**

the laws, regulations and other binding provisions which relate to social security schemes specified in paragraph (1) of Article 2 of this Agreement;

**c) 'Competent Authority':**

the Ministers, Ministries or other relevant authorities, responsible for social security schemes regulated by the legislation specified in Article 2 of this Agreement;

**d) 'Competent Institution':**

the institution or institutions responsible for implementing the legislation specified in Article 2 of this Agreement and/or providing the benefits;

**e) 'Liaison Bodies':**

the bodies designated by the competent authorities for maintaining relations for the purposes of implementing the Agreement;

**f) 'Residence':**

the place where the person concerned permanently stays, in accordance with the legislation of the Contracting Party where the residence is;

**g) 'Stay':**

the place where the person concerned temporarily stays, and in case where the length of the stay is generally in accordance with the accomplishment of the previously fixed purpose of stay;

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**h) 'Insured Person':**

the person who is and has been subject to the legislation mentioned in Article 2 of this Agreement;

**i) 'Period of Insurance':**

the periods under which insurance contributions have been paid or are deemed equivalent under the legislation specified in Article 2 of this Agreement;

**j) 'Cash Benefits':**

pension and any other cash benefit under the applicable legislation, including all increases of such benefits;

**k) 'Invalidity Benefits':**

in relation to the Republic of Turkey, the invalidity pension,

in relation to Hungary, the benefits for persons with changed working capacity;

**l) 'Benefits in Kind':**

health, or accidents at work health benefits that are not cash benefits and are provided under the applicable legislation and within the frames of compulsory health insurance;

**m) 'Family Member':**

the person defined or recognised as member of family by the legislation applied by the competent institution;

**n) 'Beneficiary':**

the person acquiring rights by the legislation falling under Article 2 of this Agreement;

**o) 'Survivors':**

persons who derive their rights from the deceased insured person under the legislation defined in Article 2 of this Agreement.

(2) Any term or expression not defined in this Article but used in this Agreement shall have the meaning assigned to it in the legislations of the Contracting Parties.

**Article 2  
Material Scope**

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

In relation to the Republic of Turkey,

(i) invalidity, old age, survivor, work accident and occupational diseases, unemployment insurance, and sickness and maternity insurances under the general health insurances in respect of persons employed under a contract of employment by one or more employer,

(ii) invalidity, old age, survivor, work accident and occupational diseases and sickness and maternity insurances under the general health insurances in respect of self-employed persons working on their own name and account without a contract of employment,

(iii) invalidity, old age, survivor and sickness and maternity insurances under the general health insurances in respect of persons working in public administrations.

In relation to Hungary,

(i) the insurance obligation and the payment of contributions covering social insurance benefits: pensions, health insurance and unemployment, as well as

(ii) the social insurance pension benefits,

(iii) the health insurance benefits,

(iv) the benefits for persons with changed working capacity.

(2) The Agreement shall also apply to the legislation which consolidates, amends or supplements the legislation specified in paragraph (1).

(3) The Application of this Agreement to the legislation concerning a new social security scheme or a new social insurance branch shall be realized through conclusion of a mutual agreement on the modification of this Agreement between the Contracting Parties for this purpose.

### **Article 3 Personal Scope**

Unless otherwise provided in this Agreement, the provisions of which shall apply to all persons who had been subject to the legislation of either or both Contracting Parties or are currently subject to the legislation of either Contracting Party, as well as to those persons who derive their rights to a benefit from such persons, in accordance with the legislation in effect of the concerned Contracting Party.

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**Article 4**  
**Equality of Treatment**

Unless otherwise provided in this Agreement, the persons falling under the scope of the Agreement shall have the same rights and obligations under the legislation of a Contracting Party that the nationals of that Contracting Party have.

**Article 5**  
**Export of Benefits**

Unless otherwise provided in this Agreement, the benefits to which entitlement has been acquired under the legislation of either Contracting Party shall not be decreased, modified, suspended or withdrawn, because of the fact that the entitled person ordinarily resides in the territory of the other Contracting Party.

**Article 6**  
**Overlapping Benefits**

The provisions in the legislation of either Contracting Party which excludes or limits entitlement to benefits or payments of benefits in the case of concurrence with entitlements to or payments of any other benefits, or any other incomes under the legislation of that Contracting Party, shall also be applied, as appropriate, in the cases of concurrence with entitlement to or payments of the benefits under the legislation of the other Contracting Party.

**Article 7**  
**Equal Treatment of Facts**

In cases where a fact, according to the legislation of a Contracting Party, has legal effect on the amount of a benefit or the entitlement, this Contracting Party shall take into account such facts taken place in the territory of the other Contracting Party as if these events had taken place in its own territory.

**PART II**  
**PROVISIONS ON APPLICABLE LEGISLATION**

**Article 8**  
**General Provisions**

(1) A person employed or self-employed within the territory of one of the Contracting Parties shall, with respect to that employment or self-employment, be subject to the legislation of the Contracting Party where he/she performs his/her gainful activity, unless otherwise provided in this Agreement.



(2) When a person is employed by an undertaking through a branch office or permanent commercial representation of the undertaking which is situated in the territory of a Contracting Party other than where it is registered, that person shall be subject to the legislation of the Contracting Party in whose territory such a branch office or permanent commercial representation is located.

#### **Article 9 Provisions on Posting**

(1) Where a person who is normally employed in the territory of one Contracting Party by an employer having its place of business in the territory of that Contracting Party is sent by that employer to work on that employer's behalf in the territory of the other Contracting Party, that person shall continue to be subject to the legislation of the sending Contracting Party, provided that the expected period of posting does not exceed 24 calendar months and the posting does not take place in order to replace a person posted previously.

(2) Where a person who is normally self-employed in the territory of one Contracting Party temporarily transfers his or her self-employment activity to the territory of the other Contracting Party, that person shall be subject to the legislation of the first Contracting Party, provided that the expected period of self-employment activity in the territory of the other Contracting Party does not exceed 24 calendar months.


(3) The period referred to in paragraph (1) and (2) may be extended once, for up to a maximum of 60 months, on the joint request of the employee and the employer or on the personal request of the self-employed person, upon prior approval of the competent authorities, or the competent institutions designated by the competent authorities of both Contracting Parties.

(4) Civil servants and persons treated as such of either Contracting Party, shall be subject to the legislation of the Contracting Party in whose administration they are employed.

#### **Article 10 Personnel of International Transport Undertakings**

(1) A person who works as an employee on board of a ship that flies the flag of a Contracting Party, shall be subject to the legislation of that Contracting Party.

(2) 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 or air, shall be subject to the legislation of the Contracting Party where the registered office of the undertaking is situated.



**Article 11**  
**Diplomatic Missions and Consular Posts**

(1) This Agreement shall not affect the provisions of the Vienna Convention on Diplomatic Relations of April 18, 1961 or the Vienna Convention on Consular Relations of April 24, 1963.

(2) The persons who, without being posted to the territory of a Contracting Party, are employed locally to work in diplomatic missions or consular posts, shall be subject to the legislation of the Contracting Party in whose territory the employment takes place.

(3) Notwithstanding the provisions of paragraph (2) of this Article, the persons who are employed in diplomatic missions or consular posts will have the right to opt for the application of the legislation of the sending Contracting Party within three months following the date of the beginning of their engagement provided that they are nationals of the sending Contracting Party.

(4) Those who use the right of choice in accordance with paragraph (3) of this Article, shall submit personally the certificate provided by the competent institution of the Contracting Party whose legislation applies to them to the competent institution of the Contracting Party where they reside, or deliver it through their employer.

**Article 12**  
**Exceptions to the Provisions on Applicable Legislation**

(1) At the joint request of an employee and an employer or at the request of a self-employed person, the competent authorities of both Contracting Parties or the institutions designated by them, may agree to grant further exceptions to the general provisions on applicable legislation, not stipulated in this Agreement, provided that the person concerned shall remain, or become subject to the legislation of either of the Contracting Parties. When granting such exceptions, the nature and circumstances of the employment or self-employment shall be taken into account.

(2) The joint request of the employee and the employer, also the request of the self-employed person regarding the granting of an exception, shall be submitted in writing to the competent institution of the Contracting Party the legislation of which is requested to be applicable.

**Article 13**  
**Certification of Coverage and Exceptions**

(1) In cases regulated under Articles 9-12 of this Agreement, at the joint request of an employee and an employer or at the request of a self-employed person, a certificate, the content of which was agreed by the liaison bodies of the Contracting Parties, shall be issued stating that the person concerned with regard to that employment/self-employment is subject to the legislation of a Contracting Party. The certificate shall be

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issued in the Republic of Turkey by the Social Security Institution, in Hungary by the competent health insurance body.

(2) The issued certificates shall be sent to the claimant(s) and the abovementioned competent institution of the other Contracting Party.

**PART III  
PROVISIONS CONCERNING BENEFITS**

**CHAPTER 1  
HEALTH INSURANCE BENEFITS**

**Article 14  
Aggregation of Periods of Insurance**

(1) For the purposes of acquiring, retaining and recovering entitlement to cash and in-kind benefits within the framework of health insurance, the periods of insurance acquired under the legislation of both Contracting Parties shall be aggregated, unless these periods overlap.

(2) The insured persons shall submit a certificate indicating their insurance periods to the competent institution of the Contracting Party where he/she just moved.

(3) The above-mentioned certificate shall be provided upon the request of the insured and by the competent institution of the Contracting Party to which they were last registered.

**Article 15  
Benefits in Kind**

(1) During their lawful stay in the territory of the other Contracting Party, persons referred to in Articles 9, 10, paragraph (3) of Article 11 and Article 12 of this Agreement shall be entitled to benefits in kind, which become necessary on medical grounds taking into account the nature of the benefits and the expected length of the stay. These benefits will be provided at the expenses of the competent institution by the institution of place of stay in accordance with the legislation it applies.

(2) The provisions of paragraph (1) of this Article shall apply in relation to the Republic of Turkey to family members, and in relation to Hungary to the spouse and minor children, who stay with the insured person in the territory of the other Contracting Party with the permission of the competent institution.

(3) For those mentioned under paragraphs (1) and (2) of this Article, to be able to avail themselves from healthcare benefits within the period of their stay in the other Contracting Party, they shall submit a document to the institution of the other Contracting Party, provided by the competent institution of the Contracting Party where they were registered, indicating that they are entitled to healthcare benefits. In this document, the duration of these benefits shall also be specified.





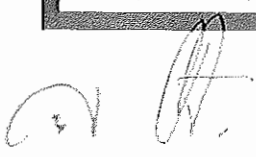
(4) Where those working as actively insured under the legislation of a Contracting Party and in relation to the Republic of Turkey the members of their families residing with them, in relation to Hungary the spouse and minor children residing with them, travel to the territory of the other Contracting Party while receiving health, sickness or maternity insurance benefits in kind provided by the competent institution of the first Contracting Party, they may continue to receive these benefits. In this case the beneficiary should obtain the authorisation of the competent institution before leaving for the other Contracting Party. The aforementioned authorization might be granted subsequently by the competent institution if it has not previously been obtained for reasons beyond control of the beneficiary. The demand for the authorisation shall be refused on account of a medical report submitted to the effect that the health condition of the person concerned does not permit travelling to the territory of the other Contracting Party. This paragraph is applicable in cases when the delay in receiving the necessary benefit involves the possible serious aggravation of the state of health of the beneficiary. The cost of the benefits shall be borne by the competent institution.

(5) For the purpose of the implementation of paragraph (4) of this Article, the insured person is obliged to submit a document issued by the competent institution where he/she is registered, including the duration of the benefits and indicating that the temporary domicile transfer is allowed, to the institution at his/her new domicile so that he/she can benefit from health, sickness or maternity insurance after he/she returns back to his/her country.

(6) If the document specified in paragraph (5) of this Article cannot be issued before the temporary domicile transfer, it may also be issued by the competent institution to which the insured person is registered after the transfer of the domicile, upon the request of the insured person or the institution at his/her new domicile.

(7) If the health status of the insured person specified in paragraph (5) of this Article requires the continuity of the benefit beyond the periods previously set forth, duration of health benefits shall be extended with the physician report and the decision of the competent institution.

(8) A person mentioned in paragraph (1) of Article 11 may opt, for the whole period of posting, for himself/herself and, for the Republic of Turkey for family members residing with him/her, and for Hungary for his/her spouse and minor children, residing with him/her, either for receiving health care benefit in kind in accordance with paragraph (1) of this Article in the territory of the Contracting Party where he/she has been posted, or for requesting the reimbursement of the expenses of the health care benefit in kind according to the legislation of the sending Contracting Party.



**Article 16**  
**Cash Benefits**

(1) Cash benefits shall be paid in accordance with the legislation applicable and directly to the insured person by the competent institution.

(2) Where the amount of cash benefits depends on the number of family members in accordance with the legislation of either Contracting Party, the competent institution shall also take into account the family members residing in the territory of the other Contracting Party.

**Article 17**  
**Rights of Pensioners**

(1) A person who receives pension benefit from the pension insurance administrations of both Contracting Parties shall be entitled to benefits in kind at his/her place of residence, at the expenses of the institution of place of residence.

(2) The benefits in kind shall be provided to a person who receives pension only from the pension insurance administration of one Contracting Party, and whose place of residence is in the territory of the other Contracting Party, by the institution of place of residence in accordance with its legislation applicable, but at the expenses of the competent institution provided that the competent institution has given prior approval.

(3) Paragraph (2) of this Article shall also apply, as appropriate, to an eligible family member of the pensioner living together with him/her, in accordance with the legislation applicable to the institution providing the benefits.

(4) For the purpose of the implementation of paragraphs (2)-(3) of this Article, the pensioners and family members are obliged to submit a document issued by the competent institution which provides the benefit to the institution of place of residence. The document is valid until its withdrawal by the competent institution. The competent institution paying the pension shall inform in writing the institution of place of residence that the right to benefit has ended.

(5) The right to receive a benefit shall expire on the day on which the notification is received by the pensioner or the family member.

(6) The provisions of paragraphs (1)-(3) of this Article shall not apply while the person concerned is entitled, with regard to his/her gainful activity, to health insurance benefits in his/her place of residence in accordance with the legislation of the Contracting Party of the place of residence.

(7) When the conditions of the pensioners and members of their family referred in paragraph (2) of this Article require urgent medical treatment during their stay in the territory of the Contracting Party paying pension, they shall be entitled to receive benefits in kind at the expense of the Contracting Party paying the pension.



**Article 18**  
**Orthopaedic Appliances, Prostheses and Other Health Benefits Requiring High Costs**

Orthopaedic appliances, prostheses and other health benefits exceeding 500 euros shall be provided, except for the cases of emergency, upon the authorisation of the competent institution. Inpatient care shall be provided, except for the cases of emergency, upon the authorisation of the competent institution regardless of the actual cost of the treatment.

**Article 19**  
**Reimbursement of Costs Related to Benefits in Kind**

(1) The competent institution shall reimburse the institution of the other Contracting Party all expenses actually incurred in connection with the provision of benefits in kind except for administrative costs.

(2) In order to simplify reimbursement procedures, the liaison bodies may agree that the costs incurred shall be settled and reimbursed between both Contracting Parties as lump-sum payments for certain groups of persons concerned.

**CHAPTER 2**  
**ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES**

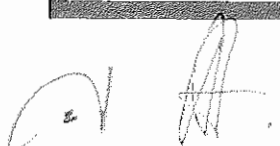
**Article 20**  
**Benefits in Kind in case of Accidents at Work and Occupational Diseases**

(1) Where a person, who is insured according to the legislation of one Contracting Party and is entitled to benefits in kind in accordance with the legislation of this Contracting Party as a result of an accident at work or occupational disease, has his/her place of stay or residence in the territory of the other Contracting Party, he/she shall be entitled to benefits in kind, at the expenses of the competent institution, provided by the institution of the Contracting Party of the place of stay or residence, according to the legislation that Contracting Party applies, as if the person concerned was insured at the institution of the place of stay or residence.

(2) In implementing paragraph (1) of this Article, the provisions of Article 18 of this Agreement shall apply with respect to the prostheses, orthopaedic appliances and other health benefits requiring high costs.

(3) The provisions of Article 19 of this Agreement shall apply accordingly to the reimbursement of costs incurred by virtue of paragraph (1) of this Article.

(4) According to paragraph (1) of this Article, the insured person shall submit a certificate prepared by the competent institution under the legislation of which he/she is insured, to the institution of the Contracting Party where he/she resides or stays, in order to be able to benefit from healthcare benefits.



(5) If the insured person fails to submit the certificate stated in paragraph (4) of this Article, the institution of the Contracting Party of residence or stay shall request it from the competent institution of the other Contracting Party.

(6) This certificate shall be valid unless the competent institution under the legislation of which he/she is insured, notifies the insured person and the institution of the Contracting Party of residence or stay regarding the cancellation of the certificate.

#### **Article 21**

##### **Taking into Account Accidents at Work and Occupational Diseases**

(1) If the legislation of one Contracting Party provides that for the purposes of determining the extent of damage on health originating from an accident at work or an occupational disease, or of determining the eligibility to a benefit, a previous accident at work or occupational disease must be taken into account, accidents at work and occupational diseases occurred in accordance with the legislation of the other Contracting Party shall also be taken into account.

(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 contracted in its territory, that condition shall be deemed to have been satisfied even when the disease was first contracted in the territory of the other Contracting Party.

(3) If granting of the benefit in the case of the occupational disease, according to legislation of one Contracting Party, is conditional upon the fact that the occupation which may have induced such disease lasted for a specific time, the competent institution of that Contracting Party shall also take into account, if necessary, the periods spent in such specific occupation in accordance with the legislation of the other Contracting Party.

#### **Article 22**

##### **Cash Benefits**

(1) Cash benefits for accidents at work shall be provided by the competent institution of the Contracting Party where the person concerned was insured at the time of the accident at work and in accordance with its legislation.

(2) If the eligibility to a benefit due to occupational disease exists in accordance with the legislation of both Contracting Parties, the cash benefit shall be only provided by the competent institution of the Contracting Party in the territory of which the entitled person was last employed in an activity exposed to occupational disease.

(3) Where an insured person has received benefits for occupational disease under the legislation of either Contracting Party, and in the event of an aggravation of his/her condition during his/her residence in the territory of the other Contracting Party

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a) The competent institution of the first Contracting Party shall bear the cost of benefit, taking the aggravation into account, in accordance with the provisions of the legislation which that competent institution applies, in so far as the insured person having contracted the occupational disease has not engaged, under the legislation of the second Contracting Party, in an occupation liable to cause or aggravate the disease in question;

b) If the insured person has engaged in such an activity under the legislation of the second Contracting Party, the competent institution of the first Contracting Party shall bear the cost of the benefit, without taking the aggravation into account, in accordance with the provisions of the legislation it applies. The competent institution of the second Contracting Party shall pay the difference between the amount of benefit calculated after the aggravation and the amount of benefit that would have been due before the aggravation in accordance with the legislation it applies.

(4) The provisions of paragraphs (1)-(3) of this Article shall also apply to benefits to be paid to survivors.

### **CHAPTER 3 OLD AGE AND SURVIVORS' BENEFITS**

#### **Article 23 Aggregation of Periods of Insurance**

(1) Where eligibility to a benefit exists according to the legislation of a Contracting Party, the benefit shall be defined by the competent institution of this Contracting Party exclusively on the basis of periods of insurance to be taken into account pursuant to the provisions of legislation which it applies.


(2) Where the legislation of a Contracting Party makes the acquisition, retention or recovery of eligibility to a benefit conditional upon the completion of periods of insurance, and in case the eligibility criteria for a benefit are not met under the legislation of a Contracting Party, the competent institution of this Contracting Party shall take into account the periods of insurance completed under the legislation of the other Contracting Party as if these periods were completed under the legislation which it applies, provided that such periods of insurance do not overlap.

(3) The periods of insurance to be taken into consideration shall be defined in compliance with the legislation of the other Contracting Party pursuant to which these periods were completed.

(4) One month of the periods in which premium or contribution is paid under Turkish legislation is equivalent to 30 days, and one year is equivalent to 360 days.

(5) 12 months or 360 days premium or contribution paid under the Turkish legislation shall be considered as equivalent to one year under the Hungarian legislation.

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#### **Article 24**

##### **Aggregation of Periods Acquired Under the Legislation of a Third Country**

(1) If the person concerned is not eligible for a benefit on the basis of aggregating the periods of insurance acquired under the legislation of the Contracting Parties, the eligibility of that person for that benefit shall be determined by aggregating these periods of insurance with the periods accumulated under the legislation of a third country with which both Contracting Parties are bound by social security legal instruments which provide for the aggregation of periods.

(2) In case only one of the Contracting Parties has concluded an agreement with a third country, this Contracting Party shall aggregate the periods of insurance under the legislation of the third country, unless otherwise provided in the agreement concluded with the third country.

(3) Paragraph (2) of this Article shall not apply to periods of insurance acquired under the legislation of a third country with which a Contracting Party has concluded an agreement based on the principle of territoriality.

#### **Article 25**

##### **Determination of Proportional Benefits**

Where the person concerned is entitled to a benefit in accordance with the legislation of one of the Contracting Parties only in the event of the aggregation of periods of insurance, the competent institution shall calculate the amount of benefit which this competent institution should bear, provided that all periods of insurance acquired pursuant to the legislation of both Contracting Parties were taken into account for the calculation of the benefit. The competent institution shall pay only that part of the benefit calculated in this way which corresponds to the proportion of periods of insurance completed under the legislation which it applies, to the total period of insurance under the legislation of both Contracting Parties.

#### **Article 26**

##### **Basis of Calculation of Benefits**

Where under the legislation of a Contracting Party the benefits are calculated on the basis of earnings and/or contributions paid, the competent institution of this Contracting Party shall take into account exclusively the earnings and/or contributions paid under the legislation which it applies.

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**Article 27**  
**Period of Insurance Less Than One Year**

Where the total periods of insurance completed under the legislation of a Contracting Party is less than one year provided that no eligibility to benefits is established only on the basis of this period, the competent institution of this Contracting Party shall not grant any benefit for a period shorter than one year. For purposes of entitlement to and calculation of the amount of benefits, these periods of insurance shall be taken into account by the other Contracting Party as if they had been completed pursuant to its legislation.

**CHAPTER 4**  
**INVALIDITY BENEFITS**

**Article 28**  
**Calculation of Invalidity Benefits**

(1) Where entitlement to an invalidity benefit can be established with periods of coverage completed exclusively under the legislation of either Contracting Party, the benefit shall be calculated as follows:

a) The competent institution shall calculate the amount of the benefit payable under its applicable legislation. In case the legislation of one or both of the Contracting Parties requires the benefits acquired in the other Contracting Party to be taken into account for the determination of the amount of the invalidity benefits, the competent institution of that Contracting Party shall subtract the amount paid in the other Contracting Party from the invalidity benefit calculated; and

b) The competent institution shall calculate the theoretical amount of benefit by taking into account the periods completed under the legislation of both Contracting Parties. The benefit payable shall be calculated by multiplying the theoretical amount by the ratio of coverage completed under its legislation to the periods of coverage completed under the legislation of both Contracting Parties.

(2) The competent institution shall pay the higher of the amounts calculated under subparagraphs (a) and (b) of paragraph (1) of this Article.

(3) Where entitlement to a benefit can be established exclusively by taking into account periods of coverage completed under the legislation of both Contracting Parties, the competent institution shall calculate the theoretical amount of the benefit by taking into account the periods completed under the legislation of both Contracting Parties. The benefit payable shall be calculated by multiplying the theoretical amount by the ratio of coverage completed under its legislation to the periods of coverage completed under the legislation of both Contracting Parties.

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(4) Any benefit awarded under subparagraph b) of paragraph (1) and paragraph (3) of this Article cannot be decreased by the amount of any benefit awarded by the competent institution of the other Contracting Party.

(5) Where the total periods of coverage completed under the legislation of either Contracting Party are less than one year that Contracting Party shall not award an invalidity benefit under the scope of this Agreement.

(6) Rehabilitation benefits shall be provided solely under the legislation of the Contracting Party where the beneficiary resides.

#### **PART IV MISCELLANEOUS PROVISIONS**

##### **Article 29**

##### **Administrative Arrangement and Liaison Bodies**

(1) The competent authorities of the Contracting Parties shall agree on the administrative measures necessary for the implementation of this Agreement. The competent authorities shall communicate to each other all information about changes and supplements to their respective legislation.

(2) The liaison bodies of the Contracting Parties entitled to implement this Agreement shall be designated in the Administrative Arrangement implementing this Agreement.

(3) Without prejudice to the provisions of paragraph (1) of this Article, the liaison bodies and the competent institutions shall be entitled, with the involvement of the competent authorities, to agree on measures that are necessary and appropriate for the implementation of this Agreement, including the procedures related to the recovery of undue payments.

##### **Article 30**

##### **Forms and Detailed Procedures**

(1) The liaison bodies of the Contracting Parties shall mutually agree on the forms and detailed procedures necessary for the implementation of this Agreement.

(2) The competent institutions and liaison bodies of the Contracting Parties shall communicate using the forms necessary for the implementation of this Agreement.

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**Article 31**  
**Payment of Cash Benefits**

(1) The Contracting Parties shall pay cash benefits directly to beneficiaries, in accordance with their respective national legislation.

(2) The competent institutions of the Contracting Parties shall pay the cash benefits under this Agreement without any deduction for their administrative costs.

**Article 32**  
**Exchange of Statistics**

The liaison bodies of the Contracting Parties shall exchange annual statistics on the payments granted to beneficiaries pursuant to the Agreement until 31 March of the following year. These statistics shall include the number of beneficiaries and total amount of the benefits, identified by the benefit type paid under the Agreement. These statistics shall be furnished in a form to be agreed upon by the liaison bodies.

**Article 33**  
**Administrative Cooperation**

(1) For the implementation of this Agreement, the competent authorities as well as the competent institutions of both Contracting Parties shall assist each other with regard to the determination of entitlement to or the payment of any benefit under this Agreement as they would for the application of their own legislation. This assistance shall be free of charge.

(2) Where the legislation of one Contracting Party provides that any document which is submitted to the competent authority or competent institution of that Contracting Party shall be exempted, wholly or partly, from fees or charges, including consular and administrative fees, the exemption shall also apply to corresponding documents which are submitted to the competent authority or competent institution of the other Contracting Party in the application of this Agreement.

(3) Documents which are used for the implementation of this Agreement shall be exempted from authentication by diplomatic missions or consular posts. Copies of documents which are certified as true and exact copies by the competent authority or competent institution of one Contracting Party shall be accepted as true and exact copies by the competent authority or competent institution of the other Contracting Party, without further certification.

(4) For the implementation of this Agreement, the competent authorities and competent institutions of the Contracting Parties shall communicate directly with each other, as well as with all beneficiaries and/or insured persons, regardless of the residence of such persons.



**Article 34**  
**Medical Information and Medical Examinations**

(1) The request for the medical information and documentation, also their transmittal, will be made through the liaison bodies of the Contracting Parties.

(2) If an institution of a Contracting Party requires that a claimant or a beneficiary who resides in the territory of other Contracting Party undergo a medical examination, the institution of the latter Contracting Party, at the request of the institution of the first Contracting Party, shall make arrangements for carrying out this examination in accordance with its own legislation. If a medical examination is exclusively for the purpose of the institution which requests it, that institution shall reimburse the institution of the other Contracting Party for the costs of the examination. However, if the medical examination is for the purpose of both institutions, there shall be no reimbursement of costs.

**Article 35**  
**Compensation for Damages**

(1) In the event that a person is receiving benefits under the legislation of either Contracting Party on account of a damage occurred in the territory of the other Contracting Party, and if the right to compensation exists against the third parties under the legislation of that Contracting Party, the right to compensation is then transferred under the legislation of the first Contracting Party to its institution.

(2) If the right to compensation for the same damage is related to the same kind of benefits and this right arises for both institutions of Contracting Parties in accordance with the provision of paragraph (1) of this Article, the third party may pay for the compensation to the institution of either one or the other Contracting Party. The institutions shall share the compensation received according to the ratio of the benefits they have paid.

**Article 36**  
**Submission of Claims**

(1) Any claim, declaration or appeal which is submitted, in pursuance of this Agreement or the legislation of either Contracting Party to a competent authority, competent institution or other competent body of a Contracting Party shall be deemed to be submitted to the competent authority, competent institution or other competent body of the other Contracting Party.

(2) A claim for benefit submitted under the legislation of either Contracting Party in pursuance of this Agreement shall be deemed to be submitted under the legislation of the other Contracting Party.

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(3) The competent authority or competent institution of a Contracting Party, to which claim, declaration or appeal was submitted, shall forward it without delay to the competent authority or competent institution of the other Contracting Party indicating the date of receipt of the document.

(4) A claim for a benefit to be provided pursuant to the legislation of one Contracting Party shall be treated as a claim for a corresponding benefit to be provided under the legislation of the other Contracting Party. This provision shall not be applied if the claimant explicitly requests that the determination of eligibility to a cash benefit acquired according to the legislation of that other Contracting Party be postponed.

### **Article 37 Processing Claims**

(1) Where the institution of one Contracting Party receives a claim of a person, who has completed insurance periods under the legislation of the other or both Contracting Parties, this institution shall send the claim, to the competent institution of the other Contracting Party, indicating the date on which the claim has been received. Along with the claim, it shall also transmit to the competent institution of the other Contracting Party:

- a) any available documentation that may be necessary for the institution of the other Contracting Party to establish the claimant's eligibility for the benefit,
- b) a form which will indicate, in particular, the insurance periods completed under the legislation of the first Contracting Party, and
- c) eventually, a copy of its own decision on benefit if it has been taken on.

(2) The competent institution of the other Contracting Party subsequently determines on the claimant's eligibility and notifies to the institution of the first Contracting Party about its decision. Along with its decision, it shall also transmit, if necessary or upon request, to the competent institution of the first Contracting Party:

- a) any available documentation that may be necessary for the competent institution of the first Contracting Party to establish the claimant's eligibility for the benefit,
- b) a form which will indicate, in particular, the insurance periods completed under the legislation which it applies.

(3) The institution of the Contracting Party with which a claim for benefit has been submitted shall verify the information pertaining to the claimant and his/her family members. The type of information to be verified shall be agreed upon by the liaison bodies of the two Contracting Parties.

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**Article 38**  
**Recognition of Enforceable Documents**

The enforceable documents of the competent authorities or competent institutions of either Contracting Party concerning social security contributions or other requisition falling under the scope of this Agreement shall be recognised by the competent authorities and competent institutions of the other Contracting Party.

**Article 39**  
**Delivery and Use of Official Languages**

(1) For the implementation of this Agreement, the competent authorities and institutions of the Contracting Parties may communicate in their official language directly with each other, also with the persons concerned and their representatives. Competent authorities and institutions may also use English for communicating with each other.

(2) A claim or document may not be rejected by the competent authority and institution of a Contracting Party solely because it is in the official language of the other Contracting Party.

(3) Decisions and other official documents of the institutions of the Contracting Parties can be directly mailed using acknowledgement of receipt to persons staying in the territory of the other Contracting Party.

**Article 40**  
**Data Protection**

(1) Where on the basis of this Agreement and in accordance with the legislation applicable in both Contracting Parties, personal data including health data necessary for the implementation of the Agreement are to be transferred, in keeping with the applicable legislation in effect in the territories of the Contracting Parties, the following provisions shall be applied:

a) For the purpose of implementing this Agreement and the legislation covered by the scope of this Agreement, data may be disclosed by the institutions of one Contracting Party to the institutions of the other Contracting Party. The receiving Contracting Party may process and use this data for such purposes. In all other cases, data may be disclosed to other institutions exclusively with the prior consent of the transmitting institutions and in accordance with the national legislation applicable to such institution;

b) The institution receiving such data shall, upon request and in individual cases, inform the institution providing data of the purpose for which it has used the data disclosed and the results of such use;

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c) The institution providing data must ensure that the data to be disclosed is accurate, and is necessary from the point of view of the purpose of data disclosure. At the same time, all valid data provision prohibitions must be taken into consideration, pursuant to the national legislation of that Contracting Party. If it becomes evident that the data disclosed are incorrect, or may not have been disclosed under the legislation of the Contracting Party providing the data, the receiving institution shall be notified without delay, and it shall correct or delete such data, as appropriate;

d) The person concerned, upon his/her request, shall be given information on the data about him/her, on the source of the data and the purpose of using such data, on the legal basis for and the duration of the use of the data, on who has received or shall receive such data, and on the name and address of the data processor and its activities related to the data control. In other respects, the rights of the person concerned with regard to being informed of the data held about him/her shall be subject to the national legislation of the Contracting Party whose institution was requested to provide information;

e) Personal data received shall be deleted without delay when it becomes unnecessary for the purpose of the disclosure;

f) The transmission and receipt of personal data shall be recorded both by the transmitting and by the receiving institutions;

g) Both the transmitting and the receiving institutions shall ensure, in accordance with their respective national legislation, the effective protection of personal data against breaches, including but not limited to, unauthorized access, illegal alterations and unauthorized disclosure;

h) On request of the person concerned, the institutions of both the receiving and the transmitting Contracting Parties shall correct the incorrect data handled by them or either delete, either deny access to data handled illegally. The institution of the other Contracting Party shall be immediately informed of such correction, deletion, or denial of access;

i) In the event of breach of rights related to data protection, the concerned persons shall be entitled to legal remedy, including the referral of his/her case to a court or to other authorities, in accordance with the respective national legislation of the Contracting Parties.

(2) The provisions set out in paragraph (1) of this Article shall also be applied, as appropriate, to both corporate and trade secrets.

(3) The Contracting Parties shall ensure independent supervision of data processing.

**Article 41**  
**Currency of Payments**

(1) Payment of any benefit in accordance with this Agreement shall be made in the currency of the Contracting Party making the payment.

(2) If, under this Agreement, the competent institution of either Contracting Party is liable to pay sums by way of a reimbursement for benefit provided by the competent institution of the other Contracting Party, its liability shall be expressed in the currency of the second Contracting Party. The competent institution of the first Contracting Party shall discharge its liability by paying with its own currency.

**Article 42**  
**Recovery of Undue Payments**

(1) Where the institution of either Contracting Party has paid to a beneficiary a sum in excess of his/her 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 payment of benefits to the beneficiary to deduct the amount overpaid from the payments it will make to him/her.

(2) The institution of the other Contracting Party shall deduct that amount, on the conditions and to the extent permissible under the legislation it applies, as if the overpayment had been made by it, and shall transfer the amount so deducted to the institution of the first Contracting Party.

(3) The requested amount shall be expressed in the currency of the first Contracting Party. The Competent Institution of the other Contracting Party shall fulfil its obligation by transferring the amount in its own currency.

**Article 43**  
**Resolution of Disputes**

Disputes which arise in interpreting or applying this Agreement shall be resolved by the competent authorities.



**PART V**  
**TRANSITIONAL AND FINAL PROVISIONS**

**Article 44**  
**Transitional Provisions**

- (1) This Agreement shall not create any entitlement to benefits for any period prior to its entry into force.
- (2) Any period of insurance completed or any legally relevant circumstance occurred before the date of entry into force of this Agreement under the legislation of either Contracting Party shall be taken into consideration in applying this Agreement.
- (3) Decisions taken in single cases before the entry into force of this Agreement shall not affect the applicability of this Agreement.
- (4) If, based on this Agreement, a claim, within the 24 month period after the entry into force of this Agreement, is submitted for entitlement to benefit for which entitlement can only be granted by taking into consideration this Agreement, the payment of such benefit shall begin with the calendar month at the beginning of which the criteria for entitlement to that benefit have been fulfilled, but no earlier than the entry into force of this Agreement. This shall apply to cases only where the claim for a benefit has been rejected due to lack of sufficient periods of insurance.
- (5) If those mentioned under the paragraph (3) of Article 11 of this Agreement are employed prior to the entry into force of the Agreement, they may use their right of choice within 3 months from the effective date of the Agreement.

**Article 45**  
**Obligations of Hungary deriving from its membership of the European Union**

This Agreement shall not affect the obligations resulting to Hungary from its membership of the European Union. Accordingly, the provisions of this agreement shall not be invoked or interpreted either wholly or partly as provisions superseding, modifying or, in any other way, influencing the obligations resulting to Hungary from the Treaties establishing the European Union.

**Article 46**  
**Effects of the Association Agreement between the European Economic  
Community and the Republic of Turkey**

This Agreement, within the scope of its application, shall be without prejudice to the rights and obligations of the insured persons, including those who are, or have been legally residing and working on the territory of one of the Contracting Parties, arising from the Agreement establishing an Association between the European Economic Community and Turkey, signed at Ankara on 12 September 1963, its Additional Protocol, signed at Brussels, 23 November 1970, and the Association Council Decisions to the extent they are applicable.

**Article 47**  
**Ratification and Entry into Force**

- (1) This Agreement is subject to ratification.
- (2) The Contracting Parties shall notify each other through diplomatic channels of the fact that their respective legal requirements for the entry into force have been completed.
- (3) This Agreement shall enter into force on the first day of the third month following the month in which the last written notification referred to in paragraph (2) of this Article has been received.

**Article 48**  
**Amendment of the Agreement**

This Agreement may be amended by mutual consent of the Contracting Parties at any time. The amendments shall enter into force in accordance with the legal procedure described under Article 47.

**Article 49**  
**Duration of the Agreement**

- (1) This Agreement is concluded for an indefinite period of time.
- (2) This agreement may be terminated by either Contracting Party through diplomatic channels by the end of any calendar year giving a three months prior notice in writing to the other Contracting Party.

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**Article 50**  
**Maintenance of Acquired Rights**

If this Agreement is terminated, its provisions shall apply to rights to entitlement to or payment of benefits acquired until the date of expiry of the Agreement. Claims submitted and/or benefits awarded before the date of expiry of this Agreement shall be dealt with and/or paid in accordance with the provisions of this Agreement regardless to the place of stay of the person concerned.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

Done and signed in two originals at Budapest on 24 February 2015 in Turkish, Hungarian and English languages, all three texts being equally authoritative.  
In case of discrepancy in the interpretation, the English text shall prevail.

**FOR THE GOVERNMENT OF  
THE REPUBLIC OF TURKEY**

  
**Faruk ÇELİK**

**Minister of Labour and Social Security**

**FOR THE GOVERNMENT OF  
HUNGARY**

  
**Zoltán BALOG**

**Minister of Human Capacities**