

**No. 52815\***

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**Turkey  
and  
Italy**

**Agreement between the Republic of Turkey and the Italian Republic on social security.  
Rome, 8 May 2012**

**Entry into force:** *1 August 2015, in accordance with article 38*

**Authentic texts:** *English, Italian and Turkish*

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**Turquie  
et  
Italie**

**Accord entre la République turque et la République italienne relatif à la sécurité sociale.  
Rome, 8 mai 2012**

**Entrée en vigueur :** *1<sup>er</sup> août 2015, conformément à l'article 38*

**Textes authentiques :** *anglais, italien et turc*

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

**Preamble**

The Government of the Republic of Turkey and the Government of the Italian Republic being desirous of regulating relations between the two States (hereinafter called “Contracting Parties”) in the field of social security have agreed as follows:

**PART I**  
**GENERAL PROVISIONS**

**Article 1**  
**Definitions of terms**

(1) The terms used in the present Agreement shall be defined as follows:

- a) “Territory”:  
in relation to Turkey, the Republic of Turkey;  
in relation to Italy, the Italian Republic;
- b) “Legislation”: any laws and regulations which relate to the social security schemes specified in paragraph 1 of Article 2 of this Agreement;
- c) “Competent Authority”:  
in relation to the Republic of Turkey, the Ministry of Labour and Social Security,  
in relation to the Italian Republic, the Ministry of Labour and Social Policies and the Ministry of Health.
- d) “Competent Institution”: the insurance institution or institutions responsible for implementing the legislation mentioned in Article 2 of this Agreement and providing the benefits;

- e) “Institution”: the institution or institutions in charge of applying the legislation mentioned in paragraph 1 of Article 2 of this Agreement;
  - f) “Insured Person”: the person who is and has been subject to the legislation mentioned in Article 2 of this Agreement;
  - g) “Period of Insurance”: the period over which insurance contributions have been paid or are deemed to have been paid under the legislation specified in Article 2 of this Agreement;
  - h) “Benefits and Pensions”: all benefits or pensions including all components thereof provided out of public funds as well as all increases, revaluation allowances or supplementary allowances, unless otherwise provided in this Agreement;
  - i) “Residence”: permanent residence;
  - j) “Stay”: temporary residence;
  - k) “Member of family”: the persons defined or recognised as member of family by the legislation applied by the competent institution;
  - l) “Beneficiary”: the persons defined or recognised as such by the legislations of the Contracting Parties;
  - m) “Survivor”: persons defined or recognised as survivor and entitled person by the legislations of the Contracting Parties.
- (2) Any term not defined in this Agreement has the meaning assigned to it in the legislations of the Contracting Parties.

**Article 2**  
**Legislation to which the Agreement applies**

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

In relation to the Republic of Turkey:

- a) 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;
- b) Invalidity, old age, survivor, work accident and occupational diseases and general health insurances in respect of self-employed persons working on their own name and account without a contract of employment;
- c) Invalidity, old age, survivor and general health insurances in respect of persons working in public administrations;

- d) Invalidity, old age, death, work accident and occupational diseases, unemployment insurance, and sickness and maternity insurances under the general health insurances in respect of persons employed at the funds (except civil servants and personnel working with the contract according to Decree Law No. 399) mentioned in Provisional Article 20 of Social Insurance Law No. 506;

In relation to the Italian Republic:

- a) General mandatory insurance for disability, old-age and survivors of employees, the relevant special schemes for the self-employed (craftsmen, tradesmen, farmers, tenants and sharecroppers ) and the separate scheme of this insurance;
  - b) Insurance against maternity and illness, including tuberculosis;
  - c) Insurance against work injuries and occupational diseases;
  - d) Insurance against involuntary unemployment;
  - e) The schemes excluding and replacing the general mandatory insurance schemes established for certain categories of workers, insofar as these refer to benefits or risks covered by the legislation indicated at the above subparagraphs.
- (2) This Agreement shall also apply to any legislation which amends, revises or replaces or supplements the legislation specified in paragraph 1 of this Article.
- (3) 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 new Agreement between the Contracting Parties for this purpose.
- (4) This Agreement shall not apply to the legislation of the two Contracting Parties relating to the welfare-based social support benefit and to other non-contributory benefits funded through general taxation or relating to the minimum income supplement.

### **Article 3**

#### **Personal scope of the Agreement**

Unless otherwise provided in this Agreement, provisions of this Agreement shall apply to persons who had been subject to the legislation of either or both Contracting Parties or are subject to the legislation of either Contracting Parties as well as to family members of such persons and to their survivors.

**Article 4**  
**Equality of 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 apply, shall have the same rights and obligations provided by the legislation of the Contracting Party in whose territory they reside, on the same grounds as the nationals of that country.

**Article 5**  
**Export of benefits**

Unless otherwise provided in this Agreement, benefits awarded under the legislation of the Contracting Party which is responsible for payment shall be paid at the same rate to persons within the scope of Article 3 of this Agreement even when they are resident in the territory of the other Party. In cases they are resident in the territory of a third country, benefits shall be paid in accordance with the legislation of the Contracting Party which is responsible for payment.

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

**Article 6**  
**General provisions**

Unless otherwise provided in this Agreement:

- (1) Persons employed in the territory of either Contracting Party or self-employed persons who perform their occupation in the territory of either Contracting Party shall, with respect to that employment, be subject to the legislation of the Contracting Party where they work 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) 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.
- (3) A person who is employed by a branch or permanent representation of an undertaking in the territory of a Contracting Party other than that in which it has its registered office shall be subject to the legislation of the Contracting Party in whose territory such branch or permanent representation is located.

**Article 7**  
**Temporary posting**

If a person who is employed in the territory of either Contracting Party is posted temporarily by his employer to perform certain work in the territory of the other