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**Turkey
and
Montenegro**

Agreement between the Republic of Turkey and Montenegro on social security. Ankara, 15 March 2012

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**Turquie
et
Monténégro**

Accord sur la sécurité sociale entre la République turque et le Monténégro. Ankara, 15 mars 2012

Entrée en vigueur : *1^{er} décembre 2015, conformément à l'article 39*

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[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT
BETWEEN
THE REPUBLIC OF TURKEY
AND
MONTENEGRO
ON SOCIAL SECURITY

The Republic of Turkey and Montenegro (hereinafter referred to as Contracting States), wishing to regulate their relations in the area 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 have the following meaning:

1. “Territory”:

In relation to Turkey, the Republic of Turkey;

In relation to Montenegro, Montenegro,

2. “Legislation”: The laws, by-laws and regulations which relate to the social security field specified in paragraph 1 of Article 2 of this Agreement;

3. “Competent Authority”:

In relation to the Republic of Turkey, Ministry of Labour and Social Security,

In relation to the Montenegro, Competent ministries,

4. “Competent Institution”: The insurance institution responsible for implementing the legislation mentioned in Article 2 of this Agreement and providing the benefits;

5. “Institution”: The institution and /or body in charge of applying the legislation mentioned in paragraph 1 of Article 2 of this Agreement;

6. “Insured Person”: The person who is or has been subjected to the legislation mentioned in Article 2 of this Agreement;

7. “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;

8. “Benefit”: All benefits or pensions including all components thereof provided out of public funds as well as increases, revaluation allowances or supplementary allowances, unless otherwise specified in this Agreement.

9. “Residence”: Permanent residence;

10. “Stay”: Temporary residence;

11. “Member of family”: The persons defined or recognised as member of family by the legislation applied by the competent institution;

12. “Beneficiary”: The persons defined or recognised as such by the legislations of the Contracting States.

13. “Survivor”: The persons defined or recognised as survivor by the legislations of the Contracting States.

(2) Any term not defined in this Agreement has the meaning assigned to it in the legislations of the Contracting States.

Article 2

Material scope

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

In relation to the Republic of Turkey:

1. Insurance for invalidity, old age, death, accidents at work and diseases, unemployment, diseases covered by the general health insurance system and maternity in terms of workers employed on the basis of service contracts by one or more employer,
2. Insurance for invalidity, old age, death, accidents at work and diseases, diseases covered by the general health insurance system and maternity in terms of independent workers who are self-employed without service contracts,
3. Insurance for invalidity, old age, death, diseases covered by the general health insurance system and maternity, in terms of public servants,
4. Insurance for invalidity, old age, death, accidents at work and diseases, unemployment, diseases covered by the general health insurance system and maternity in terms of workers who work dependently for the funds mentioned in the 20th provisional clause of 506th enactment of the Social Insurances Code.

In relation to Montenegro:

1. Health insurance, health protection and maternity,
2. Pension and invalidity insurance (old age, invalidity, death),
3. Accidents at work and diseases,
4. Unemployment benefits,
5. Children allowances.

(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 States for this purpose.

Article 3
Personal scope

Provisions of this Agreement shall apply to persons who had been subject to the legislation of either or both Contracting States or are subject to the legislation of either Contracting States as well as to family members of such persons and to survivors.

Article 4
Equality of treatment

Unless otherwise is provided in this Agreement, the persons who are resident in the territory of either Contracting State and to whom the provisions of this Agreement are applied, shall enjoy the rights provided by the legislation of the Contracting States under the same conditions as the nationals of that country.

Article 5
Export of benefits

(1) Unless otherwise is provided in this Agreement, benefits entitled under the legislation of the Contracting State 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 that Contracting State which is responsible for payment.

(2) Provisions of paragraph 1 of this Article shall not be applied;

in respect to Turkey, any increases made in addition to pensions and allowances covered from the general budget,

in respect to Montenegro, benefits paid in addition to the lowest pension.

PART II
PROVISIONS ON APPLICABLE LEGISLATION

Article 6
General provisions

Unless otherwise is provided in this Agreement:

(1) Persons who are in paid employment in the territory of either Contracting State or self-employed persons who perform their occupation in the territory of either Contracting State shall, with respect to that employment, be subject to the legislation of the Contracting State where they work even if they reside in the territory of the other Contracting State or if their employer or the registered office of their employer is located in the territory of the other Contracting State.