

**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

Contracting Party, he shall, with respect to that employment, be subject to the legislation of the first Contracting Party for a period not exceeding 24 months. If 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 occupation temporarily there, that person shall be subject to the legislation of the first Contracting Party for a period not exceeding 24 months. In both cases, this period may be extended conditional upon approval of the competent Authorities or the Bodies designated by these Authorities of both Contracting Parties.

### **Article 8**

#### **Personnel of international transport undertakings**

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 sea and has its registered office in the territory of the other Contracting Party shall be subject to the legislation of that Contracting Party.

### **Article 9**

#### **Crew members and workers 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) If a person, who is employed in a port or the territorial waters of a Contracting Party but who is not a member of the crew on a vessel, is engaged in loading, unloading and repairing a vessel flying the flag of the other Contracting Party or supervises such activities, he 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 or by a person that has its registered office or place of residence in the territory of the other Contracting Party shall be subject to the legislation of the latter Party if he resides in that Party's territory; the undertaking or person paying the remuneration shall be considered as employer for the purpose of the application of the said legislation.

### **Article 10**

#### **Diplomatic missions and consular officials**

(1) Members of diplomatic missions or consular posts of either Contracting Party as well as persons employed in the private service of officials of such missions or posts, who are posted to the receiving Party, shall be subject to the legislation of the sending Contracting Party.

(2) The persons referred to in paragraph 1 of this Article shall be subject to the legislation of the receiving Contracting Party if they are employed locally. However, they may opt for the application of the legislation of the employing State within three months following the date of their engagement provided that they are nationals of the employing Contracting Party.

### **Article 11** **Exceptions**

The competent Authorities or the Bodies designated by these Authorities of the Contracting Parties may agree on exceptions to Articles 6 to 10 of this Agreement, regarding the legislation applicable to a person or category of persons.

## **PART III** **SPECIAL PROVISIONS**

### **SECTION 1** **HEALTH, SICKNESS AND MATERNITY BENEFITS**

#### **Article 12** **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 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.

(2) With respect to sickness and maternity daily cash allowances, the aggregation of periods mentioned in paragraph 1 of this Article shall be effected only if the person concerned is insured in the territory of the Contracting Party under whose legislation the application has been filed.

#### **Article 13** **Work or stay in the territory of other Contracting Party**

(1) Where the conditions of an insured person who has been posted by his employer to the territory of the other Contracting Party on a temporary basis to perform a particular work and his dependents residing with him require medical treatment, they shall receive health, sickness or maternity insurance benefits on behalf and at the expense of the Contracting Party where the registered office of the employer is established.

(2) Where the conditions of those working as actively insured under the legislation of a Contracting Party and members of their families residing with them require urgent medical treatment during their stay in the territory of the other Contracting Party, they

shall receive health, sickness or maternity insurance benefits on behalf and at the expense of the Contracting Party where the persons concerned are insured.

(3) Where those working as actively insured under the legislation of a Contracting Party and members of their families residing with them go to the territory of the other Contracting Party while receiving health, sickness or maternity insurance benefits provided by the institution of a Contracting Party, they shall continue to receive these benefits. Provided that, the beneficiary should obtain the authorisation of the competent institution before returning to the other Contracting Party. The request 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 other Contracting Party.

(4) The acquisition of the right to benefits, the duration of the benefits and members of the family eligible for benefits shall be determined in pursuance of the legislation of the Contracting Party in whose territory the person is insured, whereas the provision mode and scope of the benefits shall be determined in accordance with the legislation of the Contracting Party in whose territory the beneficiary stays.

#### **Article 14**

##### **Health benefits for family members of the insured**

(1) The members of the family of a person who is entitled to health benefits under the legislation of a Contracting Party under which he is insured, who reside in the territory of the other Contracting Party, shall receive benefits as specified by the legislation of the Contracting Party in whose territory they reside, in so far as they are not entitled to health insurance benefits under the legislation of the Contracting Party in whose territory they reside. The expenses of the health benefits shall be covered by the competent institution in which the family members of the insured person are insured on the basis of his affiliation to that competent institution.

(2) When the members of the family referred to in paragraph 1 of this Article stay or transfer their residence to the territory of the Contracting Party of competent institution, they shall receive health benefits in accordance with the legislation of that Contracting Party.

(3) The acquisition of the right to benefits, the duration of the benefits and members of the family eligible for benefits shall be determined in pursuance of the legislation of the Contracting Party in whose territory the person is insured, whereas the provision mode and scope of the benefits shall be determined in accordance with the legislation of the Contracting Party in whose territory the beneficiary stays.

#### **Article 15**

##### **Health benefits for the pensioners and members of their families**

(1) Pensioners receiving pensions under the legislation of both Contracting Parties and the members of their families shall receive health benefits under the legislation of the Contracting Party in whose territory they are resident.

(2) Pensioners receiving a pension under the legislation of one Contracting Party and having residence in the territory of the other Contracting Party and members of their families shall be subject to the legislation of that Contracting Party, as if the entitlement to pension benefit were acquired pursuant to its applicable legislation, at the expense of the competent institution.

The acquisition of the right to benefits, the duration of the benefits and members of the family eligible for benefits shall be determined in pursuance of the legislation of the Contracting Party in whose territory the person is insured, whereas the provision mode and scope of the benefits shall be determined in accordance with the legislation of the Contracting Party in whose territory the beneficiary stays.

(3) In pursuance of paragraph 2 of this Article, when the conditions of the pensioner and members of his family who are resident in the territory of one Contracting Party require urgent medical treatment during their stay in the territory of the other Contracting Party, they shall be entitled to receive benefits in accordance with the legislation of that Contracting Party and at its expense.

(4) When the conditions of the pensioners receiving pension under the legislation of a Contracting Party and members of their families require urgent medical treatment during their stay in the territory of the other Contracting Party, they shall receive health benefits at the expense of the institution they are affiliated.

#### **Article 16**

#### **Orthopaedic appliances, prostheses and other health benefits requiring high costs**

Orthopaedic appliances, prostheses and other health benefits requiring high costs shall be provided, except for the cases of emergency, upon the authorisation of the competent institution. The list of such benefits shall be attached to the Administrative Agreement.

#### **Article 17**

#### **Cash benefits**

Cash benefits shall be paid by the competent institution in accordance with the legislation it applies.

#### **Article 18**

#### **Reimbursement**

The competent institution shall reimburse the costs of health benefits to the insurance institution of the other Contracting Party for benefits provided pursuant to Articles 13, 14, 15, 16 and 24 of this Agreement, according to the procedure established by the Administrative Agreement.

## **SECTION 2**

### **OLD-AGE, INVALIDITY AND SURVIVORS' BENEFITS**

#### **Article 19**

##### **Aggregation of periods of insurance**

(1) Where the legislation of either Contracting Party makes entitlement to, maintenance of and re-entitlement to benefits conditional upon the completion of periods of insurance, the institution which applies that legislation shall, where necessary, take into account periods of insurance completed under the legislation of the other Contracting Party, in so far as they do not overlap, as if they were periods of insurance completed under its legislation.

(2) Where the right to receive benefits under the legislation of either Contracting Party is conditional upon the completion of a certain period in an occupation covered by a special scheme or in a specified occupation or employment, only periods completed under the scheme concerned or, in the absence of such a scheme, in the same occupation or employment, as appropriate, shall be taken into account for determining entitlement to such benefits under the legislation of the other Contracting Party.

(3) For the purpose of determining the right to receive benefit, under the legislation of either Contracting Party, the date of the first working day in the other Contracting Party shall be taken into account.

#### **Article 20**

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

(1) If the total period of insurance completed under the legislation of one Contracting Party is shorter than 12 months, the benefit shall not be granted, except when, according to that legislation, there exists a right to benefit based exclusively on that period of insurance.

(2) In pursuance of paragraph 1 of this Article the competent institution of the other Contracting Party shall take into account these periods for the entitlement to, maintenance of and re-entitlement to benefits as well as the determination of the actual amount as if those periods had been completed under the legislation it applies.

#### **Article 21**

##### **Calculation of cash benefits**

(1) If entitlement to benefits under the legislation of either Contracting Party is to be acquired without regard to the provisions of Article 19 of this Agreement, the competent institution of that Contracting Party shall calculate the benefits to be awarded solely on the basis of the periods completed under the legislation it applies.

(2) If the person concerned acquires the right to benefits under the legislation of either Contracting Party only through application of Article 19 of this Agreement, the competent institution of this Contracting Party shall calculate the benefits as follows:

- a. the competent institution shall calculate the theoretical amount taking into account all the insurance periods completed under the legislation of both Contracting Parties as if they had been completed solely under the legislation which that institution applies;
- b. on the basis of the amount calculated as referred to above, the actual amount of benefit shall be computed as a proportion between the insurance periods completed exclusively according to its legislation and the total insurance periods taken into account for calculating the benefit.

(3) Where benefits under the legislation of a Contracting Party are calculated on the basis of earnings or contributions paid under the legislation of that Contracting Party, the competent institution shall take into account the earnings or contributions paid exclusively under the legislation it applies.

### **Article 22**

#### **Reduction, suspension and cancellation of benefits**

Persons to whom this Agreement is applicable shall not be subject to the legislation of the two Contracting Parties concerning reduction, suspension or cancellation of benefit in case of the simultaneous receipt of the benefits from the competent institutions of both Contracting Parties.

### **SECTION 3**

#### **DEATH GRANT**

### **Article 23**

#### **Aggregation of periods of insurance and award of death grants**

(1) Where entitlement to death grants under the legislation of either Contracting Party is conditional upon the completion of a period of insurance, the competent institution of that Contracting Party shall take into account, if necessary, periods of insurance completed under the legislation of the other Contracting Party, in so far as they do not overlap, as if they were periods of insurance completed under its legislation.

(2) Where a person who is insured under the legislation of one Contracting Party dies in the territory of the other Contracting Party, it shall be assumed that he has died in the territory of the Contracting Party where he is insured and the survivors shall be entitled to a death grant.

(3) If entitlement to benefit in case of death exists pursuant to legislation of both Contracting Party, only the legislation of that Contracting Party in the territory of which the deceased had place of residence shall apply.

## **SECTION 4 ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES**

### **Article 24 Medical benefits**

(1) Any insured person who resides, permanently or temporarily, in the territory of the other Contracting Party and is entitled to work accident or occupational disease medical benefits shall be granted the said medical benefits in the territory of the Contracting Party where that insured person resides, permanently or temporarily, under the legislation applied by that Contracting Party, at the expense of the competent institution, as if that person had been registered with the said institution.

(2) Provisions of Article 16 of this Agreement shall apply with respect to the prostheses, orthopaedic appliances and other major medical benefits in kind.

(3) As regards the reimbursement of the cost of the benefits provided under paragraph 1 of this Article, the relevant provisions contained in the Administrative Arrangement shall apply.

### **Article 25 Occupational diseases**

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 even when the disease was first diagnosed in the territory of the other Contracting Party.

### **Article 26 Cash benefits**

(1) If the right to cash benefit in the case of occupational disease exists pursuant to the legislation of both Contracting Parties, the benefit shall be granted only pursuant to the legislation of the Contracting Party in whose territory the occupational activity conducive to occurrence of occupational disease concerned has last been performed.

(2) 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 condition during his residence in the territory of the other Contracting Party, 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 institution applies, in so far as the person contracted 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. 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 benefit, leaving the aggravation out of 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 in accordance with the legislation which that institution applies and the amount of benefit that would have been due before the aggravation.

## **SECTION 5 UNEMPLOYMENT BENEFITS**

### **Article 27 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 overlap.

(2) The amount, duration and way of payment of the benefits shall be determined according to the legislation that the competent institution applies.

## **PART IV MISCELLANEOUS PROVISIONS**

### **Article 28 Administrative measures and co-operation methods**

(1) The competent Authorities of the Contracting Parties shall make the administrative arrangements necessary for the application of this Agreement.

(2) The competent Authorities of the Contracting Parties shall communicate to each other as soon as possible the necessary information on the measures taken for the application of this Agreement and inform of any changes in their national legislation in so far as these changes affect the application of this Agreement.

(3) The competent Authorities of the Contracting Parties shall designate liaison bodies for the purpose of facilitating the implementation of this Agreement. Where a competent Authority deems it necessary to designate a competent Body for the purposes of the application of articles 7 (last sentence) and 11, that Contracting Party shall give the other Party written notification of the said designation.

(4) The competent Authorities and institutions of the Contracting Parties shall assist each other on any matters relating to the application of this Agreement as if these matters affected the application of their own legislation. Such administrative assistance shall be free of charge.

(5) Medical examination performed exclusively for the application of the legislation of one Contracting Party and referring to persons having place of residence or stay in the territory of the other contracting Party, shall be performed at the request and at the expense of the competent institution, by the institution of its place of residence or stay. Medical examinations related to the application of the legislation of both Contracting Parties shall be performed at the expense of and by the institution of the place of residence or stay.

(6) Any information about an individual which is communicated to a Contracting Party by the other Contracting Party in accordance with this Agreement shall be deemed confidential for the purpose of this Agreement and be used only in the application of this Agreement and the legislation to which this Agreement applies. The other Contracting Party shall not disclose the information so communicated.

### **Article 29**

#### **The authority of diplomatic representatives**

For the purposes of the application of this Agreement, the diplomatic and consular Authorities of each Contracting Party may refer directly to the Authorities, Competent Institutions and Liaison Bodies of the other Contracting Party to obtain the information needed in order to protect claimants who are citizens of their State and may represent them without a power of attorney.

### **Article 30**

#### **Use of official languages**

(1) For the application of this Agreement, the competent Authorities and the institutions of the Contracting Parties may communicate with each other in their official languages.

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

### **Article 31**

#### **Exemption from charges and authentication**

(1) Exemption from or reduction in the dues and charges of the written files and documents enclosed for the purpose of application of the legislation of a Contracting Party shall also apply to any declaration or other document which is submitted under the legislation of the other Contracting Party or for the implementation of this Agreement.

(2) Any identity statement, document and declaration submitted for the purposes of this Agreement need not be authenticated.

**Article 32**  
**Submission of written claims**

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

(3) Any application, declaration or appeal which should, under the legislation of either Contracting Party, be submitted to a competent Authority, institution or other competent body of that Contracting Party may be submitted within the same deadline to the competent Authority, institution or other competent body of the other Contracting Party.

(4) In the cases mentioned in paragraphs 1 to 3 of this Article, the abovementioned institutions shall, either directly or through the liaison bodies, forward without delay these applications, declarations or appeals to the competent institution of the other Contracting Party.

**Article 33**  
**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 34**  
**Recovery of undue payments**

If the competent institution of either Contracting Party pays to a beneficiary, under the provisions of this Agreement, a sum in excess of his entitlement, it may request the institution of the other Contracting Party responsible for the payment of the corresponding benefits to that person to deduct the amount overpaid from any amounts

payable to him. The said competent institution shall transfer the amount so deducted to the institution of the other Contracting Party.

If recovery of undue payment cannot be made in this way, the following procedure 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 payment of benefits to the beneficiary to deduct the amount overpaid from the payments it will make to him.

The competent 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 other Contracting Party.

- b. Where the competent institution of either Contracting Party has made an advance payment to the beneficiary under its legislation, it may request the competent institution of the other Contracting Party to deduct the amount of the advance from payments due to the beneficiary for the same period. The competent institution of the other Contracting Party shall deduct the amount and transfer it to the competent institution of the Contracting Party that made the request.

### **Article 35 Currency of Payment**

(1) 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 made shall constitute a full discharge of the obligation of the competent institution for 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 institution of the other Contracting Party, its liability shall be expressed in the currency of the second State. The institution of the first Contracting Party shall discharge its liability by paying with its own currency.

### **Article 36 Resolution of disputes**

(1) The competent authorities of the Contracting Parties shall jointly resolve any dispute about the interpretation and application of this Agreement through negotiations.

(2) If any dispute cannot be resolved as specified in paragraph 1 of this Article and within six months, it shall be submitted to an arbitration mechanism which can resolve it in accordance with the basic principles and spirit of this Agreement. The Contracting Parties shall determine together the rules concerning constitution and working method of the arbitration mechanism.

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

### **Article 37 Transitional provisions**

(1) This Agreement shall confer no rights to benefits for any period before its entry into force.

(2) Any period 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) Any benefit due only by virtue of this Agreement shall be paid, 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.

(4) Where the request referred to in paragraph 3 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 which concern the loss or extinction of rights by lapse of time shall not be raised against the person concerned. The date of submission of the request shall be taken into account for the request submitted after two years.

### **Article 38 Ratification and entry into force**

(1) This Agreement shall be ratified in accordance with 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. The Contracting Parties shall duly notify the Secretary-General of the Council of Europe of this agreement, the instruments of which they have exchanged, according to Article 7.2 of the European Convention on Social Security.

**Article 39**  
**Duration and Denunciation of the Agreement**

- (1) This Agreement shall remain in force indefinitely.
- (2) Either Contracting Party may denounce it by giving three months notice in writing to the other Contracting Party.

**Article 40**  
**Maintenance of acquired rights**

- (1) In the event of denunciation of this Agreement, all rights acquired under the Agreement shall be maintained.
- (2) In the event of denunciation of this Agreement, all processing related to the rights to benefits on which no determination has been made yet shall be concluded in accordance with the provisions of this Agreement.

Done and signed in two originals at Rome on 8 May 2012, in the Turkish, Italian 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**

**Ahmet Davutoğlu**  
**Minister of Foreign Affairs**

**FOR THE GOVERNMENT  
OF THE ITALIAN REPUBLIC**

**Giulio Terzi di Sant'Agata**  
**Minister of Foreign Affairs**