

## **CONVENTION BETWEEN THE REPUBLIC OF TURKEY AND THE KINGDOM OF NORWAY ON SOCIAL SECURITY**

The Government of Turkey and the Government of Norway desirous to regulate the relations between the two States in the field of Social Security.

Affirming the principle that the nationals of one of the two countries should receive, under the social security legislation of the other, equal treatment with the nationals of the latter, Desirous of giving effect to this principle and of making arrangements enabling their nationals who go from one of the two countries to the other, either to retain any rights which they have acquired under the legislation of the former country or to enjoy corresponding rights under the legislation of the latter country,

Have agreed as follows:

### **PART I**

#### **GENERAL PROVISIONS**

##### **Article 1**

This Convention shall apply to the Republic of Turkey and to the Kingdom of Norway. It shall also apply to the Norwegian Continental Shelf.

For the purpose of the present Convention, unless the context otherwise requires:

- (a) «Territory» means in relation to Norway, the territory of the Kingdom of Norway, and in relation to the Republic of Turkey its national territory;
- (b) «Legislation» means the laws and regulations as specified in Article 2,
- (c) «Competent authority» means in relation to Norway, the Ministry of Social Affairs and as regards unemployment benefits, the Ministry of Local Government and Labour and in relation to Turkey, the Ministry of Social Security and other Ministries concerned;
- (d) «Competent institution» means the institution responsible for providing benefits.
- (e) «Periods of insurance» means periods defined or recognized as such by the legislation under which they were completed;
- (f) The terms «pension» and «benefit» include any increase of, or any additional amount payable with respectively, a pension or benefit.
- (g) «Periods of insurance» means in relation to Norway, person insured in accordance with the legislation specified in Article 2, paragraph 1. (a) and, in relation to Turkey, insured in accordance with the legislation specified in Article 2, paragraph 1 (b);
- (h) The terms «family members» and «survivors» mean any person defined or recognised as such by the legislation under which the benefits are granted.

Other words and expressions which are used in this Convention have the meanings respectively assigned to them in the legislation concerned.

## **Article 2**

The provisions of the present Convention shall apply:

**(1)** (a) In relation to Norway, to the following legislation:

- The Act of 17 June 1966 concerning National Insurance, excepting Chapter 12,
- The Act of 9 June 1969 concerning Special Supplements to Benefits under the National Insurance,
- The Act of 19 December 1969 on Compensation Benefits under the National Insurance,
- The Act of 24 October 1946 concerning Family Allowance.

(b) In relation to Turkey, to the legislation on:

- Social Insurance, covering:

Accident at work and occupational diseases, sickness, maternity, invalidity, old-age, survivors,

- Pension Fund for public employees,

- Old-age, invalidity and survivors' pension insurance for self-employed persons (BAĞ-KUR)  
The provision for the Special Funds:

The Social Insurance Funds integrated in the Social Insurance system provisional Article 20 of the Act No: 506 (1964)

**(2)** This Convention shall apply to all laws and regulations amending or supplementing the legislation specified in paragraph 1 of this Article.

**(3)** Furthermore the present Convention shall apply to:

(a) any laws and regulations instituting a new branch of social security, if the Contracting Parties so agree;

(b) any laws and regulations extending the existing insurance schemes to new categories of persons, unless the Contracting Party concerned gives notice to the other Party within six months after the official promulgation of such law or regulation, to the effect that the present Convention shall not apply to such law or regulation.

## **Article 3**

Norwegian nationals in Turkey and Turkish nationals in Norway, shall be subject respectively to the Turkish and Norwegian legislation as specified in Article 2. They shall be subject to the

same obligations and entitled to enjoy the same advantages under the same conditions as a national of the other country, unless otherwise provided in the present Convention.

#### **Article 4**

The following exceptions from the provision laid down in Article 3 shall apply:

(a) Where an employee who is resident in one country and employed in an undertaking having its principal place of business in that country, is sent by this undertaking to the other country, the legislation of the former country shall continue to apply to him as if he were employed there during the first twelve months of his stay in the other country. If such employment continues beyond the period of twelve months, the legislation of the former country may continue to apply to him, provided that the competent authority in the latter country, or the body designated by it, gives its consent.

This shall apply to all employees irrespective of nationality. They shall equally apply to spouses and children accompanying the employee to the other country, unless they are themselves employed.

(b) Where the travelling personnel in undertakings of railway or road transport work in both countries the legislation of the country in which the undertaking has its principal place of business shall apply. If, however, the employee concerned is resident in the latter country, the legislation of that country shall apply to him.

(c) Where a person is employed as crew-member of aircraft belonging to a company operating in either country the legislation of the country in which the company has its principal place of business shall apply to him unless he is a national of and resident in the other country. Where other categories of personnel are employed by such company the legislation of the country in which the company has its principal place of business shall apply in cases where the person concerned has been sent to the other country for temporary employment there.

(d) Where a person is employed as member of the crew of any vessel flying the flag of either of the countries the legislation of the country whose flag the vessel flies shall apply to him. If such a vessel during a stay in the other country employs persons from that country for loading, unloading, repair, or for watch duty on board the vessel, the legislation of the country to which the port belongs shall apply.

(e) For persons who are occupied on installations for exploration of and exploration for natural deposits on the Norwegian Continental Shelf, Norwegian installations on non-Norwegian continental shelves provided this is permissible in pursuance of a specific agreement with the coastal state concerned or by virtue of international law otherwise.

Norwegian legislation shall also apply in respect of persons who are staying in Sválbard (Spitzbergen) and Jan Mayen. Article 4, (a) shall however, be applied correspondingly.

#### **Article 5**

**(1)** This Convention shall not apply to established Members of the Diplomatic Service of either Party.

(2) Subject to the provisions of paragraph (1) of this Article, the provision of Article 3 shall apply to persons employed by diplomatic missions or consular posts and to the private domestic staff of agents of such missions and posts.

(3) However, persons covered by paragraph (2) of this Article who are nationals of the Contracting Party represented by the mission or consular post concerned may opt to be subject to the legislation of that party; such right of option may be exercised once only. It shall be exercised within a period of six months from the date of entry into force of this Convention or from the date of entry of the worker into employment. The option shall take effect from the date of entry into force of this Convention in respect of workers who have entered into employment at the said date and in other cases, from the date of entry into employment.

### **Article 6**

The competent authorities of either country may agree to make further exceptions from the provision of Article 3. Likewise they may agree that the exceptions provided for in Article 4 and 5 shall not apply in particular cases.

## **PART II**

### **SPECIAL PROVISIONS**

#### **Sickness And Maternity**

### **Article 7**

Nationals of one Contracting Party who are resident or employed in the other country shall be entitled to the same sickness benefits, and benefits in the event of maternity and confinement, as are provided for nationals of the latter country.

The same shall apply as regards entitlements to benefit during a stay outside the country in which the person concerned is insured.

#### **Family Allowance**

### **Article 8**

Nationals of one country are in the other country entitled to family allowance in respect of children resident in the latter country according to the same rules as for nationals of the latter country.

#### **Unemployment Benefit**

### **Article 9**

Nationals of one country are during a stay in the other country entitled to unemployment benefit in accordance with the same rules as for nationals of the latter country.

## **Death Grant**

### **Article 10**

(1) Nationals of one country staying in the other country shall be entitled to death grants according to the same rules as for nationals of the latter country. These grants shall be provided even if the person concerned dies in a country other than where he was insured.

(2) Where there would be entitlement to death grant under the legislation of both Parties in respect of the same death whether by virtue of this Convention or otherwise :

(a) the grant shall be payable only under the legislation of the Party in whose territory the death occurs, or

(b) if the death does not occur in the territory of either Party, a grant shall be paid only under the legislation of the Party under whose legislation the person on whose insurance the right to the grant is determined was last insured before the death.

## **Occupational Injury And Disease**

### **Article 11**

Benefits, including increments and supplements payable in one country in respect of occupational injury or disease, are payable to nationals of the other country irrespective of any limiting provisions relating to foreign nationals and without any condition of residence.

### **Article 12**

Compensation for a new accident at work shall be established according to the reduction of work capacity and loss of physical and mental faculty which has been caused by the new accident and in accordance with the legislation of the country where the new accident occurs.

If an occupational disease becomes apparent after the patient having been employed in both countries in employment entailing risks of the same disease, the insurance scheme of the country in which such work had been latest performed, shall be liable to pay benefit.

If such occupational disease entitles to benefit from the insurance scheme of one country, the insurance scheme of this country shall also cover any aggravation which takes place in the other country, provided that the aggravation can not be referred to employment in the latter country in an occupation entailing risks of such disease.

## **Old-Age Pensions, Disability Benefits And Survivors Benefit**

### **Article 13**

Application of Norwegian Legislation:

Save as otherwise provided in this Article, Turkish nationals are in the event of old-age, disability and death of breadwinner entitled to pension including supplementary benefits,

according to the Norwegian Act concerning National Insurance, under the same conditions as Norwegian nationals.

Turkish nationals shall enjoy the same rights as Norwegians taking into consideration as insurance periods any period preceding the entry into force of the National Insurance Act in 1966.

Supplementary pension shall in respect of Turkish nationals be computed in accordance with the provisions concerning over-compensation for insured persons other than Norwegian nationals and foreign refugees.

A. pension granted in accordance with the provisions specified above cannot be withheld, reduced, modified or withdrawn on account of the recipient residing in Turkey. Benefits provided in accordance with the provisions specified above shall be paid to nationals of Turkey resident in a third state on the same terms and to the same extent as to Norwegian nationals.

Turkish nationals as well as Norwegian nationals are only entitled to basic benefit, attendance benefit and compensation supplement as long as they are resident in Norway. Old-age pension shall be granted even if the person concerned is resident in Turkey when reaching pensionable age.

The entitlement to survivors' pension shall not be affected by the survivor being resident in Turkey at the time of the death of the insured person.

#### **Article 14**

Application of Turkish Legislation:

**(1)** Norwegian nationals resident in the territory of Turkey shall receive equal treatment with Turkish nationals as concerns the right to be insured under Turkish legislation on invalidity, old-age and survivors' pension.

**(2)** Subject to the provisions of, paragraph (6) of this Article Norwegian nationals and their survivors shall be entitled to pensions under Turkish legislation on invalidity, old-age and survivors' pensions under the same rules as apply to Turkish nationals provided they have been insured in conformity with the provisions contained in the said legislation for a total period of at least 12 months.

**(3)** In such where a Norwegian or a Turkish national or his survivors do not satisfy the conditions for entitlement to a pension when account is taken exclusively of the periods of insurance and contribution completed under Turkish legislation the periods of residence completed by the person concerned under Norwegian legislation shall be taken into account to the extent necessary as if they were periods of insurance and contribution completed under Turkish legislation, in so far as the said periods of insurance and contribution and the said periods of residents do not overlap.

**(4)** For the purpose of applying the preceding paragraph the conversing necessary for the aggregation of periods shall be carried out according to the following rules:

- (a) One year of residence completed under Norwegian legislation shall be equivalent to 360 days of contribution completed under Turkish legislation.
- (b) One month of residence completed under Norwegian legislation shall be equivalent to 30 days of contribution completed under Turkish legislation.

(5) In the calculation pensions to which a right is acquired under the preceding paragraphs (3) and (4) the provisions contained in paragraph (1) of Article 15 shall apply.

(6) Where a Norwegian national or his survivors otherwise satisfy the conditions for entitlement to an invalidity pension or an anticipatory old-age pension or in the case of this survivors' pensions under Turkish legislation the entitlement of the said Norwegian national or of his survivors to such pension or pensions shall be subject to the additional condition.

(a) In the case of invalidity pension that the incapacity for work followed by invalidity occurred while the Norwegian national concerned was resident in the territory of Turkey.

(b) In the case of anticipatory old-age pension that the circumstances qualifying for such pension occurred while the Norwegian national concerned was resident in the territory of Turkey.

(c) In the case of survivors' pensions that death of the insured Norwegian national occurred while he was resident in the territory of Turkey.

#### **Article 15**

The amount of the pension shall constitute such part of the pension as computed pursuant to the provisions specified above and corresponding to the ratio between the number of pension-earning years in Turkey and the total number of pension-earning years in Turkey and Norway. A pension granted in accordance with the provisions specified above cannot be withheld, reduced, modified or withdrawn on account of the recipient residing in Norway. Old-age pension shall be granted even if the person concerned is resident in Norway when reaching pensionable age.

The entitlement to survivors' pension shall not be affected by the survivor being resident in Norway at the time of death of the insured person.

### **PART III**

#### **MISCELLANEOUS PROVISIONS TRANSITIONAL AND**

#### **FINAL PROVISIONS**

#### **Miscellaneous Provisions**

#### **Article 16**

The competent authorities of both countries, or authorities designated by such competent authority, shall conclude agreements concerning the necessary provisions for the implementation of the present Convention, and appoint liaison bodies of the present

Convention. They shall communicate with each other concerning all major amendments of their laws and regulations.

#### **Article 17**

In the application of the present Convention the authorities and institutions of the Contracting Parties shall assist each other to the same extent as when applying their own legislation. Such assistance shall be free of charge.

The authorities and institutions of both countries may correspond directly with each other and with the persons concerned. They may also if need arises address themselves to the authorities of the other country through the diplomatic and consular channels of that country. Diplomatic and consular authorities may address themselves directly to authorities and institutions of the other country in order to collect all information necessary of maintaining the interests of their nationals, whom they may represent without any special power of attorney. Applications submitted to the competent authority or institutions of either country in connection with the application of the present Convention shall be dealt with even if worded in the official language of the other country.

Correspondance between authorities and individual persons may, however, be conducted in English.

#### **Article 18**

Any exemption from taxes and other legal dues on documents and certificates which are to be submitted to the authorities and institutions of either country, shall apply to document and certificates to be submitted to the competent authorities or institutions of the other country in connection with the application of the present Convention. Documents and certificates which are to be submitted in connection with the application of the present Convention shall be exempt from legalisation or authentication by diplomatic or consular authorities.

#### **Article 19**

Any claims, notices or appeals which according to the legislation of one country shall be submitted to an authority of that country within a prescribed period and which has been submitted to the corresponding authority of the other country within the same period, shall be considered as having been submitted in due time to the authority of the former country. The authorities concerned of the other country shall without delay transmit the claim, notice or appeal to the competent authorities of the former country.

#### **Article 20**

Payments payable pursuant to the present Convention may validly be made in the currency of the country effecting the payment.

In the event of restrictions on currency being enforced in either country, both Contracting Parties shall immediately agree upon necessary measures for ensuring the transfer between the countries of any sums payable pursuant to the present Convention .



The manner of payment in respect of pensions payable to persons in the other country shall be fixed by agreement as specified in Article 16.

#### **Article 21**

The competent authorities of either Contracting Party shall endeavour to resolve through negotiations any disputes arising in connection with the interpretation and application of the present Convention.

In the event of no agreement being reached within three months through negotiations, the dispute shall be submitted to arbitration by a tribunal whose composition and rules or procedure shall be fixed by agreement between the Contracting Parties.  
Transitional and Final Provisions

#### **Article 22**

The provisions of the present Convention shall apply also in respect of contingencies having occurred prior to the entry into force of the Convention. The Convention does not, however, confer any entitlement to benefit in respect of periods of time prior to its entry into force. For the application of present Convention, any periods respecting residence, insurance and contributions payment prior to the entry into force of the Convention shall be taken into account.

#### **Article 23**

This Convention shall remain in force for a period of twelve months as from the date of its entry into force. Thereafter it shall continue to be in force from year to year unless it is denounced in writing by the Government of any of the Contracting Parties, which shall be done at least three months before the expiry of any one-year period. In the case of such denunciation, the Convention shall cease to be in force at the expiry of the one-year period in which it is denounced.

In the event of denunciation, the provisions of the present Convention shall continue to apply to acquired rights without regard to the provisions concerning restrictions laid down in the national legislations of either country in respect of entitlement to benefits on account of nationality or residence in another country.

For rights which have been acquired on the basis of an insurance period and period of residence having been acquired on the basis of the validity of the present Convention, the provisions of the Convention and of agreements pertaining thereto shall continue to be applicable pursuant to the regulations to be fixed by a special agreement.

#### **Article 24**

The present Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible in Oslo. The Convention shall come into force on the first day the second month following the month in which the instruments of ratification have been exchanged. In witness whereof the undersigned, duly authorized by their respective Governments, have signed the present Convention.

Done in duplicate in English, in Oslo, on the twentieth day of July 1978 each version being equally authoritative.

For the Government of the Republic of  
Turkey

For the Government of The Kingdom of  
Norway

## **ADMINISTRATIVE AGREEMENT FOR THE IMPLEMENTATION OF THE CONVENTION ON SOCIAL SECURITY BETWEEN NORWAY AND TURKEY**

By virtue of Article 16 of the Convention between Norway and Turkey on social security signed in Oslo on July 20, 1978 hereinafter referred to as the Convention, the National Insurance Institution (Rikstrygdeverket) on the Norwegian side and the Social Insurance Institution (Sosyal Sigortalar Kurumu Genel Müdürlüğü) on the Turkish side, who are designated by their respective competent authorities, have agreed on the following provisions for the implementation of the Convention.

### **Article 1**

#### **Definitions**

In the following Articles the words and expressions which are defined in Article 1 of the Convention, shall have the meaning there assigned to them.

### **Article 2**

#### **Liaison Bodies**

(1) The liaison bodies under Article 16 of the Convention are

A. In Norway:

The National Insurance Institution

B. In Turkey:

I- The General Directorate of the Social Insurance Institution in Ankara in respect of the application of the legislation pertaining to the special insurance and the Transitional Article 20 of Act 506,

II- The General Directorate of the Pension Fund for the Civil Servants in Ankara in respect of the application of the legislation pertaining to the Civil Pension Fund which covers the government employees, and

III- The General Directorate of Bağ-Kur in Ankara in respect of the application of the Social Insurance legislation which covers the small businessmen, the craftsmen and the self-employed;

Addresses of the liaison bodies have been included in the appendix to this Agreement.

(2) The competent authorities of each of the Contracting Parties may designate other liaison bodies. They shall in such cases notify one another thereof.

(3) The liaison bodies shall in consultation with one another draw up such forms as are necessary for the implementation of the Convention and this Agreement.

### **Article 3**

#### **Employees Sent From One Country to the Other**

(1) In the cases mentioned in Article 4 (a) of the Convention, the insurance institutions mentioned in paragraphs, 2 and 3 below shall on request of the employer or employee certify that the employee concerned continues to be subject to the social security legislation of the sending country.

(2) The certificate is issued on a specific form in Norway by the National Insurance Office for Social Insurance Abroad (Folketrygdkontoret for utenlandssaker) and is in Turkey delivered to the liaison body concerned, as referred to in Article 2 paragraph 1 (B).

(3) The certificate is issued on a specific form in Turkey by the liaison body concerned, as referred to in Article 2 paragraph 1 (B) and delivered through the employer in Norway to the, local National Insurance Office (det lokale trygdekontor) where the employment according to the regulations concerning the Employer/Employee register shall be reported.

(4) If the employee's stay in the other country exceeds the 12-months period stated in Article 4 (a) of the Convention, the employer shall in sufficient time before the expiry of the said period submit an application for an extension on a specific form pursuant to Article 4 (a) of the Convention.

If the application concerns work in Norway, the application shall be sent for decision to the liaison body concerned, as referred to in Article 2 paragraph 1 (B). If the application is granted, it is immediately forwarded to the National Insurance Office for Social Insurance Abroad for its consent thereto. Consent from Norway shall be regarded as granted if refusal of consent has not been received by the liaison body within eight weeks from the date on which the application was sent.

If the application concerns work in Turkey, it shall be sent to the National Insurance Office for Social Insurance Abroad. If the application is granted it is sent to the liaison body concerned, as referred to in Article 2 paragraph 1 (B) for its consent thereto. Consent from Turkey shall be regarded as granted if refusal of consent has not been received by the National Insurance Office for Social Insurance Abroad within eight weeks from the date on which the application was sent.

### **Article 4**

#### **Diplomatic Or Consular Representation**

(1) Turkish diplomatic or consular representation in Norway shall report to the Oslo National Insurance Office (Oslo trygdekontor) the employees who under Article 5 paragraph 2 of the Convention are subject to Norwegian social security legislation. Employer's contribution is payable to the Oslo Tax Collector's Office (Oslo Kemnerkontor). Norwegian diplomatic or consular representation in Turkey shall report the employees who under Article 5 paragraph 2 of the Convention are subject to Turkish social security legislation to the Social Insurance Institution.

Employer's contribution is payable to the local office of the Social Insurance Institution.

(2) Turkish diplomatic or consular representation in Norway shall report to the Social Insurance Institution the employees who by virtue of Article 5 paragraph 3 of the Convention opt to be subject to Turkish legislation. The Social Insurance Institution shall inform the Oslo National Insurance Office which employees have so opted.

Norwegian diplomatic or consular representation in Turkey shall report to the National Insurance Office for Social Insurance Abroad the employees who by virtue of Article 5 paragraph 3 of the Convention opt to-be subject to Norwegian legislation. The National Insurance Office for Social Insurance Abroad shall inform the Social Insurance Institution which employees have so opted.

#### **Article 5**

Information on Norwegian periods of insurance entitling to benefits under Turkish legislation. In the cases mentioned in Article 14 paragraph 3 of the Convention, the National Insurance Office for Social Insurance Abroad will at the request of the applicant or of the competent Turkish insurance institution certify the insurance period which the applicant has completed under Norwegian legislation.

#### **Article 6**

##### **Applications For Old-Age, Disability And Death Benefits**

(1) Persons resident in Norway who apply for benefits from Turkish insurance, present the application direct to the liaison body concerned, as referred to in Article 2 paragraph 1 (B) or through the National Insurance Institution.

(2) Persons resident in Turkey who apply for benefits from Norwegian insurance, present the application direct to the National Insurance Office for Social Insurance Abroad, or through the liaison body concerned, as referred to in Article 2 paragraph 1 (B).

(3) Applications for benefits shall be submitted on the forms that are made available by the liaison bodies in question.

(4) When the application is presented through the insurance institution of country in which the applicant is resident, this institution notes the date of receipt of the application on the form, certifies that the form is correctly filled in, and confirms the correctness of the information given by the applicant insofar as required. The application is forwarded to the insurance institution of the other country.

(5) The competent insurance institution decides on the application for benefits and forwards the decision together with information on the means of appeal direct to the applicant. Copy of the decision shall also be sent to the insurance institution in the other country, in Norway the National Insurance Institution and in Turkey the liaison body concerned, as referred to in Article 2 paragraph 1 (B).

## **Article 7**

### **Medical Examination**

(1) If the beneficiary of a disability pension under the legislation of one of the Contracting Parties is resident in the territory of the other Contracting Party, the insurance institution of the country which pays the pension may require the beneficiary to undergo medical examination in order to determine his disability. The insurance institution may for that purpose appoint the physician who is to perform the examination.

(2) Any request for medical examination shall be presented through the liaison body of the other country which shall notify the insurance institution in the former country of the result of the examination.

(3) The expenses of the medical examination, the travel, lodging and other expenses related thereto, shall be paid by the insurance institution which received the request, and will be reimbursed separately for each case from the request, and will be reimbursed separately for each case from the requesting insurance institution.

## **Article 8**

### **Occupational Injury/Occupational Disease**

For the purpose of applying the provisions of Article 12 of the Convention, the liaison bodies of the Contracting Parties shall exchange the necessary information.

## **Article 9**

### **Administrative Language**

(1) The liaison bodies and other institutions of both Contracting Parties shall correspond in English.

(2) Where required, the liaison bodies shall assist each other in translating the applications and other documents into English, in cases where they are written in the mother tongue by the applicant.

## **Article 10**

### **Information**

(1) Recipients of benefits under the legislation of one of the Contracting Parties who are resident in the territory of the other Contracting Party shall furnish the insurance institution which is obliged to pay the benefits with information on all changes in their own or their families' circumstances, their state of health or ability to work, when such circumstances may affect their rights and obligations under the legislation mentioned in Article 2 of the Convention and the provisions of the Convention. They shall furnish the information either direct or through the liaison bodies.

(2) The insurance institutions shall give information required by the other Contracting Party

and notify one another of all changes in circumstances as mentioned in paragraph 1 which come to their knowledge.

## **Article 11**

### **Payment of Benefits**

Under Article 20 paragraph 3 of the Convention, pension benefits are payable direct to the persons entitled thereto. The method of payment shall be determined by the Contracting Party which is obliged to pay the benefit.

## **Article 12**

### **Statistics**

The liaison bodies will yearly exchange information, on agreed forms, concerning pension payments that have been made in the territory of the other Contracting Party.

## **Article 13**

### **Administrative Expenses**

Administrative expenses arising from the implementation of the Convention and this Agreement will not be reimbursed.

## **Article 14**

### **Stipulation of Arbitration Tribunal under Article 21 of the Convention**

**(1)** Each Contracting Party appoints an arbitrator within one month from receipt of the request for arbitration. The two appointed arbitrators thereupon elect within two months a national of a third state to act as the third arbitrator.

**(2)** If a Contracting Party fails to appoint an arbitrator within the stipulated time, the other Contracting Party may request such arbitrator to be appointed by the President of the European Court of Human Rights. Such request may also be made if the two arbitrators fail to agree to the election of the arbitrator.

**(3)** The arbitrators will render their award by majority decision. The award is binding on both of Contracting Parties. Each Contracting Party pays the expenses of the arbitrator appointed by that Party. Other expenses are payable by the Contracting Parties in equal parts. The arbitrators shall determine their own procedure.

## **Article 15**

### **Entry into force**

This agreement enters into force simultaneously with the Convention and is valid concurrently therewith.

Done in duplicate in English on the February 5, 1981.

For the National Insurance Institution

For the Social Insurance Institution

Liaison bodies according to Article 2:

In Norway:

The National Insurance Institution

(Rikstrygdeverket)

Drammensveien 60, Oslo 2, Norway

In Turkey:

Directorate General of Social Insurance Institution

(Sosyal Sigortalar Kurumu Genel Müdürlüğü)

Ankara, Turkey

Republic of Turkey Pension Fund Directorate General

(T.C. Emekli Sandığı Genel Müdürlüğü)

Ankara, Turkey

Directorate General of Social Insurance Institution for Craftsmen and Small Businessmen

(Bağ-Kur Genel Müdürlüğü)

Ankara, Turkey



# **ADMINISTRATIVE AGREEMENT FOR THE IMPLEMENTATION OF THE CONVENTION ON SOCIAL SECURITY BETWEEN NORWAY AND TURKEY**

## **PROTOCOL**

1- The negotiations which took place in Oslo between 24–27 January, 1977 aimed at concluding a Social Security Convention between the Government of the Republic of Turkey and the Government of the Kingdom of Norway continued in Ankara between 22-24 February, 1978 and have been finalized. The list of the delegations of both countries have been attached herewith (Annex 1 and Annex 2).

2- The text of the Draft Convention prepared by Turkey has been found suitable and redrafted by Norway and then two delegations have negotiated and at the end of the negotiations have initialed the finalized Draft Convention in English. The Draft Convention prepared in English is attached herewith (Annex 3).

3- During the negotiations the Turkish side has expressed its profound concern upon the fact that no satisfactory solution has been found due to the difficulties faced in respect of the Norwegian legislation in respect of the children allowances for Turkey. The Norwegian side has expressed that no viable solution could be found to this problem due to the fact that the whole Social Security System in Norway has been based upon the principle requiring residence in Norway. The Norwegian Delegation, however, have stated that a considerable amount of tax rebate has been recognized to the workers who provide financial support to their families in Turkey. According to the Norwegian legislation, even the Norwegian citizens cannot benefit from children allowances unless the children are resident in Norway.

4- In relation to the relevant Articles of the Convention regarding the invalidity pensions, the two Delegations have agreed to indicate in the Administrative Agreement the methods of control required to assess the aggravation in the degree of invalidity of the Turkish workers who have finally returned to Turkey.

5- It was also agreed that in cases where workers staying in one country neglected their families in the other country failing to provide them with necessary financial support, the relevant competent institutions shall provide their best possible assistance in order to help the families in question.

6- The two Delegations have accepted that the communications between the relevant authorities of the two countries shall be made in English in respect of the application and execution of the agreed Convention.

7- The draft of the Administrative Agreement referred to in Article 16 of the Convention shall be prepared by the Turkish side and they have agreed to conclude and put it into effect as soon as possible.

8- In relation to Norway it is agreed that any Turkish nationals who are in service on board Norwegian vessels in foreign trade, are subject to Norwegian legislation concerning benefit during unemployment, only if they are permanent residents in Norway, Denmark, Finland, Iceland or Sweden. In such case, the person concerned is entitled to benefit even when outside Norway, according to the same rules as are applicable for nationals of that country.

9- The present Protocol has been prepared in English on the 24 th of February, 1978 in Ankara.

For the Turkish Delegation

For the Norwegian Delegation