

**ADMINISTRATIVE ARRANGEMENT
FOR THE IMPLEMENTATION
OF THE AGREEMENT
BETWEEN
THE REPUBLIC OF TURKEY
AND
THE CZECH REPUBLIC
ON SOCIAL SECURITY**

Pursuant to Article 29 paragraph 1 letter a) of the Agreement between the Republic of Turkey and the Czech Republic on Social Security, signed at Ankara on 2nd October 2003, hereinafter referred to as the Agreement, the Competent Authorities have agreed as follows:

**PART I
GENERAL PROVISIONS**

**Article 1
*Definitions***

The terms in the present Administrative Arrangement, hereinafter referred to as the Arrangement, shall be used in the same meaning as in the same meaning as in the Agreement.

**Article 2
*Liaison Bodies***

1. Pursuant to Article 29 paragraph 1 letter c) of the Agreement, the following are established as liaison bodies:

A. in the Czech Republic:

- a) *for pension and sickness insurance, including benefits paid from this insurance when entitlement resulted in consequence of occupational disease or work accident:*

Czech Social Security Administration
Křížová 25
225 08 Prague 5

- b) *for health insurance:*

Centre of International Reimbursements
Nám. W. Churchilla 2
113 59 Prague 3

- c) *for children's allowances and death grants:*

Ministry of Labour and Social Affairs
Na poříčním právu 1/376
128 01 Prague 2

- d) *for unemployment benefits:*

Employment Services Administration of the Ministry of Labour and Social Affairs
Na poříčním právu 1/376
128 01 Prague 2;

B. in the Republic of Turkey:

- a) *with regard to the legislation relating to workers (including those working in the agricultural sector) and the legislation on funds attached to transitional Article 20 of the Social Insurance Act Nr. 506:*

The Presidency of the Social Insurance Institution – Ankara
Mithatpaşa Caddesi No : 7 Sıhhiye / ANKARA

- b) *with regard to the legislation on the civil servants and state employees:*

The General Directorate of the Pension Fund of the Republic of Turkey – Ankara
Milli Müdafâ Caddesi No: 24 Bakanlıklar/ ANKARA

- c) *with regard to the legislation on the part of craftsmen and artists and other self-employed persons working on their own name and account in the agricultural sector:*

The General Directorate of Bag-Kur (The Social Insurance Institution of the Self-employed Persons) – Ankara
Necatibey Caddesi No: 37 Kızılay/ANKARA

- d) *with regard to the legislation on the unemployment insurance:*

The General Directorate of Employment
Atatürk Bulvarı No: 133 Bakanlıklar/ANKARA

2. The liaison bodies facilitate the communication between the institutions of the Contracting States and are entrusted the duties defined in this Arrangement. For the purpose of the Agreement they may directly communicate with one another as well as with the persons concerned or the persons authorised by them. They assist one another in application of the Agreement.

Article 3

Forms and Detailed Procedures

1. Subject to this Arrangement, the liaison bodies of the both Contracting States will agree jointly on the forms and detailed procedures necessary to implement the Agreement.
2. The institutions or liaison bodies of both Contracting States may refuse to accept a claim for a benefit or any other request or certificate if they are not submitted on the agreed form.

PART II
PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

Article 4

Certificate on the Applicable Legislation and Exemptions

1. In cases referred to in Articles 8 - 13 of the Agreement, the form of fixed duration indicating that the employed person remains, in respect of the employment referred, subject to the legislation of the Contracting State, shall be issued on the request of employer or, referring to the Article 13, on the request of self employed person on an agreed form:
 - in the Republic of Turkey:
by the central and local organization of the Presidency of the Social Insurance Institution in Turkey,
 - in the Czech Republic:
by the Czech Social Security Administration.

The issued form is send to a person, which is concerned with the application, and the attested copy to the above-mentioned institution of the other Contracting State.

2. a) The following institutions are designated for agreement on exceptions under the Article 13 from the provisions of Articles 7 to 12 of the Agreement:
 - in the Republic of Turkey:
the Presidency of the Social Insurance Institution,
 - in the Czech Republic:
the Czech Social Security Administration.
- b) An employee and his employer submit the joint request on exception in written form to the above-mentioned designated institution of the Contracting State the legislation of which has to be applied pursuant to the request. The request of a self-employed person shall be submitted analogically.
Withal the request on exception to application of the legislation of the State of employment of posted workers referred in Article 8 of the Agreement, who have been already employed in this State and whose period of posting expires, must be submitted before the end of the running term of posting.
- c) The agreement of designated institutions of the Contracting States on exception shall be attested by a form issued and transferred in accordance with paragraph 1 of this Article.

Article 5
Right of Option

In case the persons mentioned in Article 11, paragraph 2, sentence 2 prefer to attach to the legislation of the represented Contracting State, the competent institution of the referred Contracting State issues them a form confirming that they attach to the legislation of the said Contracting State. The institution of the other Contracting State shall be informed immediately by sending of the attested copy of that form.

The right of option can be used only once. With regard to those presently employed, the period of three months begins to run from the date when the Agreement comes into force.

The posted personnel not being engaged locally will be subject to the legislation of the sending Contracting State.

PART III
SPECIAL PROVISIONS

Article 6
Forms on Periods of Insurance

A form attesting periods of insurance or employment completed under the legislation of the Contracting State for the application of Articles 14 and 18 of the Agreement shall be issued on request

in the Republic of Turkey:

by the Presidency of the Social Insurance Institution (for sickness and maternity benefits) and

by the Presidency of the Social Insurance Institution,
the General Directorate of the Pension Fund of the Republic of Turkey,
the General Directorate of Bag-Kur (The Social Insurance Institution of the Self-employed Persons)
(for invalidity, old age and survivors benefits),

in the Czech Republic:

by the Czech Social Security Administration.

SECTION I
SICKNESS AND MATERNITY BENEFITS

Article 7
Provision of Benefits in Kind

1. In order to provide benefits in kind in the territory of the other Contracting State according to the Articles 15 and 25 of the Agreement, a person submits to the

institution of the place of stay a form documenting the entitlement issued by the competent institution.

2. The form mentioned in paragraph 1 can be issued additionally on the request of the person concerned or of the institution of the place of stay.
3. When the administrative procedure was not observed and the person mentioned in the 1st paragraph of Article 15 of the Agreement paid in cash for benefits in kind itself, the competent institution shall reimburse to this person the incurred costs to the amount that is effective for the institution in the place of stay where benefits were provided. The institution in the place of stay shall inform about the amount on request of the competent institution in an agreed form.
4. In order to provide benefits in kind under the 2nd and 3rd paragraph of Article 15 of the Agreement the institution in the place of stay shall request on an agreed form and with argument substantiating granting of the benefits and indicating the estimative cost for the consent of the competent institution. The consent is not necessary if the costs of benefits do not exceed 500 EUR expressed in national currency.
5. The competent institution announces its decision in the shortest possible time, in 15 days from receiving the request at the latest, and eventually determines time period of benefits provision.

The list of the prosthetic appliances and of other benefits in kind of greater value is included in the Annex of this Arrangement.

Article 8

Reimbursement of Benefits in Kind Costs

Institution in the place of stay sets up a claim to reimbursements quarterly within the meaning of Article 17 of the Agreement. Reimbursements are made through the liaison bodies of the Contracting States in accordance with Article 35 of the Agreement and payable within two month since their receiving by the liaison body of the Contracting State. When the competent institution did not impeach the claim for reimbursement in this term, it is considered as acknowledge.

Article 9

Award of Benefits in Cash

1. In order to receive benefits in cash during a stay on the territory of the other Contracting State, the concerned person turns with form attesting working disablement issued by physician to the institution in the place of stay.
2. The institution in the place of stay delivers form attesting working disablement to the competent institution in an agreed form and without delay.

3. However the competent institution may ask the institution in the place of stay to carry out the medical or administrative checks. The control shall exercise in like manner as in case of own insuree.

SECTION II INVALIDITY, OLD-AGE AND SURVIVORS' BENEFITS

Article 10 *Conversion of Periods of Insurance*

The conversion necessary for the purposes of aggregation within the meaning of Article 18 paragraph 2 of the Agreement shall be carried out according to the following rules:

one year acquired under the Turkish legislation shall be equivalent to 365 days for the purposes of application of the Czech legislation and

360 days acquired under the Czech legislation shall be equivalent to one year for the purposes of application of the Turkish legislation.

Application of these rules must not cause a situation where the total of all periods of insurance completed within one calendar year would exceed 12 months.

Article 11 *Submission of Claims*

The claim for invalid, old-age and survivors' benefits is submitted basically at the competent institution of the place of residence.

Article 12 *Processing a Claim*

1. Where the institution of one Contracting State receives a claim of a person, who has completed periods of insurance under the legislation of the other or both Contracting States, this institution shall send the claim through liaison bodies to the competent institution of the other Contracting State, indicating the date on which the claim has been received.

Along with the claim, it will also transmit to the competent institution of the other Contracting State:

- any available documentation that may be necessary for the competent institution of the other Contracting State to establish the claimant's eligibility for the benefit,

- form which will indicate, in particular, the periods of insurance completed under the legislation of the first Contracting State,
 - and, eventually, a copy of its own decision on benefit if it has been taken on.
2. The competent institution of the other Contracting State subsequently determines the claimant's eligibility and notifies through the liaison bodies its decision to the competent institution of the first Contracting State. Along with its decision, it will also transmit, if necessary or upon the request, to the competent institution of the first Contracting State:
- any available documentation that may be necessary for the competent institution of the first Contracting State to establish the claimant's eligibility for the benefit,
 - form which will indicate, in particular, the periods of insurance completed under the legislation which it applies.
3. The personal information regarding an individual contained in the claim shall be certified by the competent institutions which will confirm that the information is corroborated by documentary evidence. Certification of this information on the form releases the competent institutions from sending the original documents. The competent institutions will agree on the type of information that will be confirmed by this manner.

SECTION III DEATH GRANTS

Article 13 *Avoidance of Double Payments*

In cases where an institution of a Contracting State deems that Article 22 paragraph 2 of the Agreement might be applicable, it shall inform the liaison body of the other Contracting State.

SECTION IV OCCUPATIONAL DISEASES AND WORK ACCIDENTS

Article 14 *Occupation Liable to Cause the Disease and Exchange of Documentation*

1. Where the institution of a Contracting State ascertains that the person suffering from occupational disease has last pursued an activity likely to cause occupational disease in the territory of the other Contracting State, the institution shall forward

the notification and any accompanying documents to the competent institution of the other Contracting State.

2. The institutions of both Contracting States shall exchange mutually any available documentation that may be necessary for the entitlement to the benefits related to occupational disease and work accident.

Article 15

Aggravation of the Occupational Disease

Where the institution of a Contracting State provides a benefit under the Article 24 letter b) of the Agreement, the institution shall forward the notification to the competent institution of the other Contracting State.

Article 16

Benefits in Kind

The provision and the reimbursement of benefits in kind by reason of an occupational disease or work accident shall be governed by the provision of Part III Section I of this Arrangement.

SECTION V

UNEMPLOYMENT BENEFITS

Article 17

Aggregation of Periods of Insurance

Periods of insurance completed under the legislation of the Contracting States for the application of Article 26 of the Agreement shall be certified by the competent institutions on an agreed form through the liaison bodies.

Article 18

Minimum Period of Employment

The application of Article 26 paragraph 1 of the Agreement is conditioned by the fact that the person concerned has been insured for the last time under the legislation of the Contracting State at which institution the right of the benefits is claimed and that the employment was performed uninterruptedly for a period of 120 days, at least, before the loss of employment.

**SECTION VI
FAMILY ALLOWANCES**

**Article 19
*Aggregation of Periods of Insurance***

For application of Article 27 of the Agreement the competent institution of the Contracting State which has received a claim for family allowances may ask the institution of the other Contracting State for sending the form attesting periods of insurance completed under the legislation of that Contracting State.

**Article 20
*Avoidance of Double Payments***

In cases where an institution of a Contracting State deems that Article 28 paragraph 2 of the Agreement might be applicable, it shall inform the liaison body of the other Contracting State.

**PART IV
MISCELLANEOUS PROVISIONS**

**Article 21
*Payment of Benefits in Cash***

1. Benefits in cash shall be paid directly to the beneficiaries.
2. The competent institutions of the Contracting States shall pay their benefits in cash under the Agreement without any deduction for their administrative expenses.

**Article 22
*Recovery of Undue Payments***

For application of Article 34 of the Agreement, in case when the competent institution of one of the Contracting States has paid to an entitled person for a reviewing period the unjustified advanced payment or the amount overlapping the regular amount from the invalidity, old-age and survivors' security, this institution can ask the institution of the other Contracting State to cut the overlapping amount from its payments to the person concerned. The latter institution transfers the accordingly cut amount, taking into consideration limits and restrictions envisaged in its legislation, to the institution of the first Contracting State.

Article 23
Exchange of Statistics

The competent institutions of the Contracting States will exchange statistics on an annual basis regarding the benefits and pensions especially, which each of them has awarded and paid under the Agreement. These statistics will include data on the number of beneficiaries and the total amount of benefits paid, by type of benefit.

Article 24
Co-operation of Liaison Bodies

Representatives of the liaison bodies shall meet alternatively in both Contracting States in order to discuss subjects related to application of the Agreement.

PART V
FINAL PROVISIONS

Article 25
Entry into Force

This Arrangement comes into force on the day of signature. It takes effect on the same date as the Agreement and will be applied for the same period.

Done aton2004, in two original copies, each in the Turkish, Czech and English languages, all texts being equally authentic. In case of differences of interpretation, the English version shall prevail.

**FOR THE COMPETENT
AUTHORITIES**

OF THE REPUBLIC OF TURKEY

Enis YETER
Deputy Minister
of Labour and Social Security

**FOR THE COMPETENT
AUTHORITIES**

OF THE CZECH REPUBLIC

Čestmír SAJDA
Deputy Minister
of Labour and Social Affairs

ENCLOSURE

THE LIST OF PROTHESISSES AND OTHER BENEFITS IN KIND OF GREATER VALUE

(Article 15 paragraph 3 of the Agreement and Article 7 paragraph 4 of the Administrative Arrangement)

- a) Prosthetic devices, orthopaedic and supportive devices including the orthopedic corsets manufactured by using durable tissue, every kind of additional items and tools,
- b) Orthopedic shoes and where necessary non-orthopedic helping shoes,
- c) Chin and face prosthesis and wigs,
- d) Eye prosthesis, eye contact lenses, binocular eye-glasses and telescope eye-glasses,
- e) Earpieces, namely acoustic and phonetic devices,
- f) Tooth (stable and flexible) prosthesis, the prosthesis plugging the mouth vacuum,
- g) Small carriages for the transportation of the patients, invalid chairs and other mechanical moving devices,
- h) The renewal of the medical supplies and benefits mentioned above,
- i) Cures,
- j) Other medical measures and other supplies on the condition the prior determined costs exceed 500 EUR in national currencies.