

ADMINISTRATIVE AGREEMENT

ON THE APPLICATION OF THE AGREEMENT BETWEEN

THE REPUBLIC OF SERBIA AND THE REPUBLIC OF TURKEY

ON SOCIAL SECURITY

Pursuant to Article 29 of the Agreement on Social Security between the Republic of Serbia and the Republic of Turkey signed at Belgrade on 26. October 2009, (hereinafter the Agreement) the Government of the Republic of Serbia and the Government of the Republic of Turkey agreed as follows:

PART I

GENERAL PROVISIONS

Article 1

Definitions of Terms

For the purposes of this Administrative Agreement, the definitions included in the Agreement on Social Security shall have the same meaning.

Article 2

Liaison Bodies

(1) The Liaison bodies referred to in paragraph 3 of Article 29 of the Agreement are specified as follows:

- For the Republic of Serbia:

Social Insurance Institute

- For the Republic of Turkey:

1. For the legislation covering social insurances and general health insurance:

The Presidency of Social Security Institution - Ankara

2. For the legislation covering unemployment insurance:

General Directorate of Turkish Employment Agency – Ankara.

(2) For the application of this Administrative Agreement, the liaison bodies defined in paragraph 1 of this Article may communicate directly with one another as well as with the beneficiaries and their representatives.

(3) Liaison bodies shall determine jointly appropriate procedures and forms for the application of the Agreement and this Administrative Agreement.

PART II

APPLICATION OF LEGISLATION

Article 3

Submission of the Insurance Certificates

(1) Pursuant to application of Paragraph 2 of Article 6, Article 7, Article 8, Paragraphs 1 and 3 of Article 9, and Paragraph 1 of Article 10 of the Agreement, the persons concerned shall submit the

certificate to the competent institutions of the Contracting States indicating that they are insured under the legislation of the Contracting State from which they have been posted.

(2) The certificates/forms defined in paragraph 1 of this Article regarding the claim of the insured person or employer shall be issued by the institutions of the both Contracting States.

(3) In exceptional cases, the certificates/forms referred to in paragraph 1 of this Article may be issued subsequently on request of the insured person, his employer or the competent institution of the Contracting State in whose territory the person concerned is employed or self-employed.

Article 4

Extension of the Temporary Posting Periods

(1) For the application of Article 7 of the Agreement, in the Republic of Serbia, the Ministry of Labour and Social Policy and in the Republic of Turkey, the Ministry of Labour and Social Security are authorized with respect to the extension of temporary posting period.

The claims shall be submitted by bilingual forms and in three copies.

(2) Consent given by the competent authority referred to in paragraph 1 of this Article shall be confirmed by means of communication of the bilingual form, in two copies, to the competent authority of the other Contracting State.

Article 5

Right of Choice

(1) The persons defined in Paragraph 2 of Article 10 of the Agreement, may exercise the right of choice within three months from the date they start working. For the persons currently employed, this period shall start as of the date of entering into force of this Administrative Agreement.

(2) The claim for the right of choice shall be in effect from the first day of the month following the month in which the person concerned stated his choice.

PART III

APPLICATION OF THE SPECIAL PROVISIONS

SECTION 1

SICKNESS AND MATERNITY

Article 6

Aggregation of Periods of Insurance

(1) For application of Article 12 of the Agreement, the competent institution shall issue an established bilingual certificate/form with regard to aggregation of the periods of insurance under the applicable legislation.

(2) The certificates /forms defined in paragraph 1 of this Article regarding the claim of the insured person shall be issued by the institutions of the both Contracting States.

(3) In exceptional cases, the certificates /forms referred to in paragraph 1 of this Article may also be issued subsequently upon request of the institution of the Contracting State in whose territory the insured person stays on the basis of employment or self-employment.

Article 7

Receiving Health Benefits While Working or Staying in the Territory of the Other Contracting State

(1) Those defined in Article 13 and paragraph 4 of Article 15 of the Agreement shall claim health benefits by submitting a bilingual certificate/form proving that they are entitled to health benefits to the institution where they reside or stay.

(2) The certificates/forms defined in paragraph 1 of this Article regarding the claim of the insured person shall be issued by the institutions of the both Contracting States.

(3) The certificates/forms mentioned in paragraph 1 of this Article, may, in exceptional cases, be issued subsequently on request of the institution that provided benefit in kind. The claim for certificate/form should be accompanied by the relevant medical documents.

(4) In case of the established incapacity for work and approved hospital treatment, the institution providing benefits in kind in the place of residence or stay shall immediately notify the competent institution with the established bilingual certificate/form.

Article 8

Health Benefits for the Members of the Family of the Insured

(1) For the application of Article 14 of the Agreement, the competent institution shall communicate the certificates/forms with which the family members obtain the right to benefit in kind to the institution of the place of residence of family members. The certificate/form is applicable as long as the institution in the place of residence is notified of its cancellation.

(2) In case of termination of the right to benefit referred to in paragraph 1 of this Article, the competent institution in which the person is insured shall inform the institution of the place of residence of the family members with a communication on the subject. In that case, the right to receive benefits shall be terminated 30 days after the date of issuance of the certificate/form.

(3) The insured person and members of his/her family should inform the institution of all changes that may have effect on the right to health benefits, in particular any change of employment or termination of employment relation or change of place of residence.

Article 9

Health Benefits for Pensioners and members of their families

(1) In order for the persons and members of their families mentioned in paragraph 2 of Article 15 of the Agreement to receive health benefits, the competent institution shall communicate a bilingual certificate/form about the right to benefits to the institution of the place of residence.

(2) In case of termination of the right to benefit, the competent institution shall communicate a certificate/form informing about this to the institution of the place of residence. In that case, the right to receive benefits shall be terminated 30 days after the date of issuance of the certificate/form or at the date of death.

(3) In the event that the pensioner and members of his/her family stay temporarily in the territory of the other Contracting State and they do not have the required certificate/form for receiving health care in case of emergency, this certificate/form shall be requested from the competent institution.

Article 10

Orthopedic appliances, prostheses and other health benefits requiring high costs

Where the value of the prosthesis, major devices and health benefits requiring high costs included in the Annex of this Agreement is more than EUR 500 as expressed in the national currency of the Contracting State except in cases of emergency, the benefits shall be provided with the prior consent of the competent institution.

Article 11

Reimbursement in the Case of Non-Compliance with the Prescribed Method

For the person who exercised the right to healthcare in the manner contrary to the envisaged procedure as provided for in this Administrative Agreement, the costs so incurred by that person shall be covered by the competent institution, pursuant to its applicable legislation.

The institution in the place where the health benefit has been provided will inform competent institution through bilingual form about the prices valid for that health benefit.

Article 12

Payment of Cash Benefits

The competent institution shall pay the benefits referred to in Article 17 of the Agreement on Social Security to the beneficiary directly.

Article 13

Reimbursement/Recovery of Costs Related to Benefits in Kind

The procedure of reimbursement of cost of benefits in kind shall be regulated by a special protocol.

SECTION 2

OLD-AGE, INVALIDITY AND DEATH

Article 14

Submission of Claim

The competent institution to which the claim has been submitted shall request from the claimant all the documentation required by the competent institution of the other Contracting State, in particular

the data on periods of employment, type of employment, previous workplace and current employment or professional work and data on employer should be appended to these documents.

Article 15

Processing the Claims and Implementation of Envisaged Procedures

(1) The competent institutions shall inform one another on benefits entitled and any claim for benefit and other related matters. This exchange of information shall be made with bilingual certificates/forms which replace the communication of the original documentation.

(2) The competent institutions shall communicate between themselves the list of employment relations and self-employment activities performed in the other Contracting State or in a third country, if any, by means of appropriate original documentation or the photocopies of the information included in the employment register.

(3) The competent institution to which the claim has been submitted shall communicate to the competent institution of the other Contracting State the said claim together with the confirmation of periods of insurance to be taken into account pursuant to its applicable legislation.

Article 16

Notification of the Entitlement

The competent institutions shall notify one another by communicating the bilingual forms after completing their own procedures for the entitlement to the benefits.

Article 17

Notification

The competent institutions shall notify one another on the following and any other matters related to benefits:

- Termination of the right to benefit or suspension of disbursement of benefits;
- Change in insurance periods;
- The commencement of insurance;
- The new official status of the beneficiary widow/widower;
- Moving to a third country;
- Change in address;
- The status of children in education;
- Death of a beneficiary.

Article 18

Suspension of Disbursement and Termination of the Right to Benefit

The competent institutions of the Contracting State shall, without delay, notify one another on the facts due to which the disbursement of benefit is suspended, or right to benefit is terminated.

Article 19

Payment of Benefits

- (1) The competent institution shall pay the benefits directly to the beneficiary and his survivors.
- (2) Upon the request of the competent institution referred to in paragraph 1 of this Article, the beneficiaries and survivors shall submit to that institution the bilingual certificates/forms of life they obtained by the end of April of the current year at the latest.
- (3) The competent institutes shall, at the end of March of the current year, exchange statistical data on the number of the beneficiaries and survivors residing in the territory of the other Contracting State, also including the type of pension and disbursed amounts of the previous year.

SECTION 3

ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES

Article 20

Benefits in Kind

- (1) The insured person shall, in order to receive benefits in kind in pursuance of Article 24 of the Agreement, submit to the institution of the place of residence or stay, the certificate/form issued by the institution in which he is insured.
- (2) If the insured person cannot submit the certificate/form mentioned in paragraph 1 of this Article, the institution of the place of residence or stay shall request it from the competent institution.

Article 21

Payment of Cash Benefits

The competent institutions shall pay cash benefits defined in Article 26 of the Agreement to the insured person directly.

SECTION 4

UNEMPLOYMENT BENEFIT

Article 22

Procedure

For the purpose of the provision of the benefits referred to in Article 27 of the Agreement, the competent institutions of the Contracting States shall confirm, with the bilingual forms, periods of insurance completed pursuant to their applicable legislation and payments during the period of unemployment benefit.

SECTION 5

LEGAL AND ADMINISTRATIVE ASSISTANCE

Article 23

Medical Examination

- (1) Pursuant to Paragraph 5 of Article 29 of the Agreement, the medical examination of an insured person residing in the territory of the other Contracting State and who is subject to the legislation of either Contracting State shall be made by the institution of the place of residence pursuant to its applicable legislation, on the request of the competent institution of the other Contracting State.
- (2) On the request of the competent institution of one Contracting State, the competent institution of the other Contracting State shall, free of charges, communicate all certificates/forms and medical information available pertaining to disability of the insured person.
- (3) The competent institution making the medical examination shall reserve the right to request the medical examination of the person insured by any medical practitioner they choose.
- (4) The expenses for medical control, medical development report, medical travelling costs and necessary examinations shall be reimbursed to the paying person by the competent institution that requested these.

PART IV

FINAL PROVISIONS

Article 24

Date of Entry into Force

This Administrative Agreement shall enter into force at the same date with the Agreement.

Done and signed in two originals at Belgrade on 26. October 2009, in the Serbian, Turkish and English languages, all three texts being equally authoritative. In case of discrepancy in the interpretation, the text in English shall prevail.

For the Republic of Serbia

Rasim Ljajić

For the Republic of Turkey

Omer Dincher