**AGREEMENT ON SOCIAL SECURITY**

**BETWEEN**

**THE REPUBLIC OF MOLDOVA**

**AND**

**THE REPUBLIC OF TURKEY**

The Republic of Moldova and the Republic of Turkey hereinafter referred to as “Contracting States”, being desirous of regulating and developing the relations between the two Contracting States in the field of social security, agreed as follows:

**PART I**

**GENERAL PROVISIONS**

**Article 1**

**Definitions**

1. For the purpose of this Agreement, the following terms and expressions shall mean:
2. **territory:**

In relation to the Republic of Moldova, the territory within the existing boundaries where its legislation applies,

In relation to Turkey, the Republic of Turkey;

1. **legislation:** the laws, regulations and other legal provisions related to social security field, specified in Article 2;
2. **competent authority:** the ministries responsible for social security field specified in Article 2;
3. **competent** **institution:** institutions responsible for the application of part or all of the legislation specified in Article 2 and responsible for the payment of the benefits;
4. **insured person:** the person who is or has been subject to the legislation mentioned in Article 2;
5. **period of insurance:** the period over which insurance contributions have been paid or are considered as contributed periods under the legislation specified in Article 2;
6. **benefit:** all benefits in kind and cash benefits provided by relevant national legislation specified in Article 2;
7. **residence:** a place of permanent residence;
8. **stay:** a place of temporary stay;
9. survivor: person defined as entitled person by the legislation of the Contracting States;
10. **liaison body:** the institutions designated by the competent authorities to provide directly liaison in the view of implementing this Agreement.
11. All other terms and expressions used in this Agreement have the meaning assigned to them in the applicable legislation of either Contracting State.

**Article 2**

**Material scope**

1. This Agreement shall apply to the legislation on social security regulating:

for the Republic of Moldova:

* 1. benefits for temporary incapacity for work determined by general diseases or accidents outside of work place;
	2. benefits for temporary incapacity for work determined by occupational diseases or work accidents;
	3. benefits for maternity;
	4. old age pensions;
	5. disability pensions determined by general diseases;
	6. disability pensions and indemnities determined by work accidents and occupational diseases;
	7. survivors' pensions;
	8. death grants;
	9. unemployment benefits.

In relation to the Republic of Moldova the benefits in case of sickness, maternity and unemployment shall be provided according to the legislation that competent institutions apply.

for the Republic of Turkey:

* 1. Invalidity, old age, survivors’ insurances, short term insurance branches, general health insurance and unemployment insurance in respect of persons employed under a contract of employment by one or more employer;
	2. Invalidity, old age, survivors’ insurances, short term insurance branches and general health insurance in respect of self-employed persons working on their own name and account without a contract of employment;
	3. Invalidity, old age, survivors’ insurances in respect of persons working in public administrations.

In relation to Turkey, general health insurance, sickness and maternity insurances and unemployment insurances shall be only applied as long as the insured person legally resides in Turkey and she/he is subject to Turkish Social Security legislation.

1. This Agreement shall also be applied to any legislation which amends, revises, replaces or supplements the legislation specified in paragraph (1) of this Article.
2. This Agreement shall not be applied to the legislation introducing a new social security scheme, unless the competent authorities of both Contracting States agree upon otherwise.

**Article 3**

**Personal scope**

This Agreement shall be applied with respect to:

* 1. persons who are or have been subject to the legislation of either or both Contracting States;
	2. persons, whose rights derive from the rights of persons, stipulated in point a) of this Article, according to the applicable legislation.

**Article 4**

**Equal treatment**

Unless otherwise provided in this Agreement, the persons who are resident on the territory of either Contracting State and to whom the provisions of this Agreement apply, shall have the same rights and obligations provided by the legislation of the Contracting State the territory of which they reside, on the same grounds as the nationals of that Contracting State.

**Article 5**

**Export of benefits**

1. Unless otherwise provided in this Agreement, benefits awarded under the legislation of the Contracting State which is responsible for payment shall be paid at the same rate to persons within the scope of Article 3 of this Agreement even when they are resident on the territory of the other Contracting State. In case these persons are resident on the territory of a third State, benefits shall be paid in accordance with the legislation of the Contracting State which is responsible for payment.
2. However, the paragraph (1) of this Article shall not be applied in case of general health insurance, sickness and maternity insurances and unemployment insurance.

**Article 6**

**Reduction, suspension and cancellation of benefits**

1. Where an entitled benefit coincides with any other social security benefit or with an income yielding occupational activity, provisions regarding the reduction, suspension and cancellation of benefits according to the legislation of either Contracting State, shall also be applied in the same way when right to social security benefits under the legislation of the other Contracting State is acquired or when an income yielding occupational activity is carried out on the territory of the other Contracting State.
2. The provision specified in paragraph (1) of this Article shall not be applied in case of aggregation of the same kind of benefits calculated proportionally according to period completed in both Contracting States.

**PART II**

**PROVISIONS ON APPLICABLE LEGISLATION**

**Article 7**

**General provisions**

Unless otherwise provided in this Agreement,

1. Persons employed on the territory of either Contracting State or self-employed persons who perform their occupation on the territory of either Contracting State shall, with respect to that employment, be subject to the legislation of the Contracting State where they work even if they reside on the territory of the other Contracting State or if their employer or the registered office of their employer is located on the territory of the other Contracting State.
2. Civil servants and persons treated as such of either Contracting State shall be subject to the legislation of the Contracting State in the administration of which they are employed.
3. A person who is employed by a branch or permanent representation of an undertaking on the territory of a Contracting State other than the Contracting State in which it has its registered office shall be subject to the legislation of the Contracting State where such branch or permanent representation is located.

**Article 8**

**Posting**

1. Where a person employed on the territory of either Contracting State is posted by her/his employer to perform certain work on the territory of the other Contracting State she/he shall continue to be subject to the legislation of the first Contracting State for a period not exceeding 24 months provided that she/he maintains the employee status of the same employer.
2. Where a self-employed person who performs an occupation on the territory of either Contracting State moves to the territory of the other Contracting State to carry out her/his occupation temporarily, she/he shall continue to be subject to the legislation of the first Contracting State, for a period not exceeding 24 months.
3. The period referred in paragraphs (1) and (2) of this Article may be extended for an additional period not exceeding 36 months upon prior approval of the competent authorities or the competent institutions designated by the competent authorities of both Contracting States.

**Article 9**

**Personnel of international transport undertakings**

1. A person who is employed on board a vessel flying the flag of either Contracting State shall be subject to the legislation of that Contracting State.
2. If a person, who is employed in a port or the territorial waters of a Contracting State 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 State or supervises such activities, he shall be subject to the legislation of the Contracting State of the port or territorial waters.
3. A person who is a member of the travelling or flying personnel of an undertaking which, hired or on its own account, operates international transport services for passengers or goods by road, rail or air and has its registered office on the territory of any Contracting State shall be subject to the legislation of the Contracting State where the registered office of the undertaking is situated.

**Article 10**

**Diplomatic missions and consular posts**

1. Officials of diplomatic missions or consular posts of either Contracting State as well as those posted by the Contracting State which the diplomatic mission or consular post belongs to, to work in the private service of officials shall be subject to the legislation of the posting Contracting State.
2. The other members of the diplomatic missions or consular posts and the service personnel referred to in paragraph (1) of this Article shall be subject to the legislation of the receiving ContractingState if they are engaged locally. They may opt for the application of the legislation of the employing Contracting State within three months following the date of their engagement provided that they are nationals of that State.

**Article 11**

**Exceptions**

The competent authorities of the Contracting States may agree on exceptions to Articles 7 to 10 of this Agreement, regarding the legislation applicable to a person or category of persons.

**PART III**

**SPECIAL PROVISIONS**

**SECTIΟΝ I**

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

**Article 12**

**Aggregation of periods of insurance**

1. Where the legislation of either Contracting State makes entitlement to benefits conditional upon the completion of periods of insurance, the competent institution which applies that legislation shall, where necessary, take into account periods of insurance completed under the legislation of the other Contracting State, as far as they do not overlap, as if they were periods of insurance completed under its legislation.
2. Where a person does not qualify for a benefit in pursuance of the provisions of paragraph (1) of this Article, the competent institution shall also aggregate the insurance periods completed under the legislation of third states with which the Contracting State concluded an Agreement on Social Security as far as these periods do not overlap.
3. Where the right to receive benefits under the legislation of either Contracting State 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 State.
4. Where the legislation of a Contracting State provides that the period of payment of a pension may be taken into consideration for the acquisition of entitlement to benefits, the competent institution of that Contracting State shall, to that end, take into account any period during which a pension was paid under the legislation of any other Contracting State.
5. For the purposes of calculating the periods of insurance, relevant legislation of each of the Contracting State shall apply.

**Article 13**

**Periods of insurance less than one year**

1. Where the total period of insurance completed under the legislation of one Contracting State 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 other Contracting State shall take into account these periods as if they had been completed under the legislation it applies, for the entitlement to, maintenance of and re-entitlement to benefits as well as the determination of the actual amount.

**Article 14**

**Calculation of benefits**

1. Where entitlement to benefits under the legislation of either Contracting State is to be acquired regardless of the provisions of Article 12 of this Agreement, the institution of that Contracting State shall calculate the benefits to be awarded solely on the basis of the periods completed under the legislation it applies.
2. Where the person concerned acquires the right to benefits under the legislation of either Contracting State only through implementation of Article 12 of this Agreement, the institution of this Contracting State shall calculate the benefits as follows:
	1. the competent institution shall calculate the theoretical amount taking into account all the insurance periods completed under the legislation of both Contracting States as if they had been completed solely under the legislation which that institution applies;
	2. 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 State are calculated on the basis of earnings or contributions paid under the legislation of that Contracting State, the competent institution shall take into account the earnings or contributions paid exclusively under the legislation it applies.
4. Where the amount of benefits depends on the number of persons in the family in accordance with the legislation of either Contracting State, the competent institution shall also take into account the persons in the family residing on the territory of the other Contracting State.

**SECTION II**

**DEATH GRANT**

**Article 15**

**Aggregation of periods of insurance and award of death grant**

1. Where entitlement to death grant under the legislation of either Contracting State is conditional upon the completion of a period of insurance, the competent institution of that Contracting State shall take into account, if necessary, periods of insurance completed under the legislation of the other Contracting State, as 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 State dies on the territory of the other Contracting State, it shall be assumed that she/he died on the territory of the Contracting State where she/he was insured and the survivors shall be entitled to a death grant.
3. Where entitlement to benefit in case of death exists pursuant to legislation of both Contracting States, only the legislation of that Contracting State on the territory of which the deceased had resided shall apply.
4. In case of death occurred on the territory of a third State, the benefit shall be paid in accordance with the legislation of the Contracting State to which the insured person was subject before occurrence of death.

**SECTION III**

**BENEFITS IN CASE OF WORK ACCIDENTS AND OCCUPATIONAL DISEASES**

**Article 16**

**Benefits for work accidents and occupational diseases provided for to a person exposed to similar risks in each of the Contracting States**

1. The right to benefits in respect of work accidents and occupational diseases shall be determined pursuant to the legislation applicable at the date the incident took place or at the time the work resulting in an occupational disease was performed.
2. Where the legislation of a Contracting State makes entitlement to benefit conditional upon the disease in question being first diagnosed on its territory, this condition is deemed to be fulfilled, even if the diagnosis has been carried out on the territory of the other Contracting State.
3. Where the legislation of a Contracting State explicitly or implicitly makes entitlement to benefits conditional upon the disease in question being diagnosed within a specified period after the termination of the occupa­tion liable to have caused it, the competent institution shall also take into account, if needed, any other activity that involves similar risks carried out under the legislation of the other Contracting State.
4. Where the legislation of a Contracting State explicitly or implicitly makes entitlement to benefits for occupational diseases conditional upon an occupation liable to cause the disease in question having been followed for a specified period, for the purpose of calculating the benefits, the periods in which such work was performed on the territory of the other Contracting State shall also be taken into account.

**Article 17**

**Granting of a benefit in case of aggravation of occupational disease**

When a beneficiary has received or is receiving benefit from the competent institution of a Contracting State because of an occupational disease, and, in case of aggravation of the disease, applies for the rights to benefit from the competent institution of the other State, the following provisions shall be applied:

* 1. where the person concerned has not carried out an activity under the legislation of the other Contracting State liable to cause or aggravate the disease in question, the competent institution of the first Contracting State shall bear the cost of the benefit, taking into account the aggravation, in accordance with the legislation it applies;
	2. where the person concerned has carried out such an activity under the legislation of the other Contracting State, the competent institution of the first Contracting State shall bear the payment of the benefit, without taking into account the aggravation, according to the provisions of the legislation it applies; the competent institution of the second Contracting State provides the concerned person with a supplement in the amount equal to the difference between the benefit level owed after aggravation and the amount of the benefit that would have been owed before aggravation, in accordance with the provisions of the legislation applied.

**SECTION IV**

**UNEMPLOYMENT**

**Article 18**

**Unemployment benefits**

The entitlement, amount, duration and way of payment of the benefitsshall be determined according to the legislation that the competent institution applies.

**PART IV**

**MISCELLANEOUS PROVISIONS**

**Article 19**

**Administrative measures and co-operation methods**

1. The competent authorities of the Contracting States shall make the administrative arrangements necessary for the implementation of this Agreement.
2. The competent authorities of the Contracting States shall designate liaison bodies for the purpose of facilitating the implementation of this Agreement.
3. The competent authorities of the Contracting States shall communicate to each other as soon as possible the necessary information on the measures taken for the implementation of this Agreement and inform of any changes in their national legislation as far as these changes affect the implementation of this Agreement.
4. The competent authorities and institutions of the Contracting States shall assist each other on any matters relating to the implementation of this Agreement as if these matters affect 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 State and referring to persons having place of residence or stay on the territory of the other Contracting State, 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 States shall be performed at the expense of the competent institution of the Contracting State where the person stays or resides.

**Article 20
Protection of personal data**

1. Any personal data sent by one Contracting State shall be processed solely for the purpose of implementation of this Agreement. The processing of personal data shall be subject to the Strasbourg Convention of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data and the national legislation on the personal data protection of the Contracting States.
2. Personal data sent shall be accurate and adequate for a certain purpose or task, taking into account the provisions of this Agreement. If necessary, data which are inaccurate or incomplete, shall be rectified, supplemented, destroyed or the data processing shall be stopped.
3. When the purpose for which they were submitted is fulfilled, the data will be destroyed. The State which transmitted the data will be informed about data destruction and the reason for which they were destroyed.
4. Appropriate technical security and organizational measures shall be taken by the competent authorities and institutions of the Contracting States to protect personal data against destruction, alteration, accidental or unauthorised loss of the personal data as well as their unauthorised processing.
5. The person concerned has the right to request information as to its personal data, the purpose for which they are or where processed. The right of the person concerned to such information shall be subject to the data protection legislation of the Contracting State from which that information is requested. The request for such information can be rejected for the purposes of this Agreement, state security, public order, prevention of the criminal offences and protection of the rights and fundamental freedoms of other persons.

**Article 21**

**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 State shall also apply to any declaration or other document which is submitted under the legislation of the other Contracting State or for the implementation of this Agreement.
2. Any identity statement, document and declaration submitted for the purpose of implementation of this Agreement need not be authenticated.

**Article 22**

**Submission of a claim**

1. A claim for a benefit submitted under the legislation of either Contracting State in pursuance of this Agreement shall be deemed to be submitted under the legislation of the other Contracting State.
2. If submission of a claim is conditional upon to be made in a settled period of time according to the legislation of one of the Contracting States, this condition shall be deemed to be fulfilled, if it is made within the same period of time, to the competent institution of the other Contracting State. In such a case, the competent institution of the Contracting State shall forward the claim, without delay, to the competent institution of the first Contracting State, either directly, or through liaison bodies of both Contracting States.

**Article 23**

**Payments**

1. Payment of any benefit in accordance with this Agreement shall be made in the currency of the Contracting State making the payment, in US Dollar or in Euro.
2. The means of reimbursements between the competent institutions shall be agreed through the Administrative Arrangement.

**Article 24**

**Recovery of undue payments**

If the institution of one Contracting State has paid to a beneficiary the benefits in the amount that exceeds the sum that has been entitled to, this institution shall request, from the institution of the other Contracting State that owes benefits to this beneficiary, under the conditions stipulated by the legislation it applies, to withhold the extra and undue amount paid to the beneficiary, from the amounts owed. This institution withholds the amount under the conditions in which such an offset is allowed by the legislation it applies, as if these extra and undue amounts have been paid by the institution itself, executing the transfer of the amount thus deducted to the other competent institution.

**Article 25**

**Settlement of disputes**

The competent authorities of both Contracting States shall resolve any dispute about the interpretation or implementation of this Agreement through direct consultations.

**PART V**

**TRANSITIONAL AND FINAL PROVISIONS**

**Article 26**

**Transitional provisions**

1. This Agreement shall confer no rights for any period prior to its entry into force.
2. All periods of insurance completed under the legislation of one Contracting State, prior to entering into force of this Agreement, shall be taken into account for the purpose of determination of the rights, arising from this Agreement.
3. Any benefit, due only by virtue of this Agreement, including the rights previously granted, 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 a lump-sum payment has been made.
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 State 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 27**

**Revision of eligibility to pensions**

1. The acquired right to receive a pension prior to entry into force of this Agreement, may be revised upon request, according to the provisions of this Agreement.
2. The rights acquired after being revised, shall be proceeded upon the date of submitting the claim.
3. If the revision of the rights to a pension shall lead to a decrease in the amount of the pension, the amount of the pension which was determined prior to the revision shall continue to be paid.

**Article 28**

**Ratification and entry into force**

This Agreement, being subject to ratification pursuant to national legislation of both Contracting States, shall enter into force on the first day of the second month following the date of the receipt of the last written notification by which the Contracting States notify each other, through diplomatic channels, of the completion of their internal legal procedures required for its entry into force.

**Article 29**

**Amendment of the Agreement**

This Agreement may be amended at any time upon the mutual written consent of both Contracting States. Amendments shall enter into force in accordance with the procedures determined in Article 28 of this Agreement.

**Article 30**

**Duration of the Agreement**

1. This Agreement shall be concluded for an indefinite term.
2. Either Contracting State may denounce it, by sending, through diplomatic channels, a written notification to the other Contracting State, but not later than six months prior to the end of the respective calendar year.

**Article 31**

**Maintenance of acquired rights**

1. In the event of denunciation of this Agreement, all rights acquired under this 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.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

Done at Chişinău on 5 May 2017 in two originals in Romanian, Turkish and English languages, all the texts being equally authentic. In case of discrepancy in the interpretation, the English text shall prevail.

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| **FOR****THE REPUBLIC OF MOLDOVA** | **FOR****THE REPUBLIC OF TURKEY** |
| **Andrei GALBUR** **Minister of Foreign Affairs and European Integration** | **Dr.Mehmet MÜEZZİNOĞLU** **Minister of Labour and** **Social Security** |