

N° 680.

BELGIQUE ET FRANCE

Convention relative à l'assistance,
signée à Paris le 30 novembre
1921.

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Convention regarding public relief,
signed at Paris, November 30,
1921.

¹ TRADUCTION. — TRANSLATION.No. 680. — CONVENTION ² BETWEEN BELGIUM AND FRANCE REGARDING PUBLIC RELIEF, SIGNED AT PARIS, NOVEMBER 30, 1921.

French official text communicated by the Belgian Minister for Foreign Affairs. The registration of this Convention took place July 30, 1924.

THE GOVERNMENT OF HIS MAJESTY THE KING OF THE BELGIANS and THE GOVERNMENT OF THE FRENCH REPUBLIC, being equally desirous of establishing between their respective nationals the fullest equality of treatment under the laws regarding public relief, have decided to conclude a Convention for this purpose, and have agreed upon the following provisions :

Article 1.

Nationals of either of the two countries in need of relief, medical treatment or any other form of assistance whatsoever, owing to any physical or mental disease, pregnancy or confinement, or for any other reason, shall, for the purposes of the laws regarding public relief, receive the same treatment in the territory of the other contracting State, whether at home or in hospitals and similar institutions, as nationals of the latter State.

Nationals of either of the two countries who have their families residing with them shall be entitled in the other country to such family allowances as are purely in the nature of public relief. They shall not be entitled to any allowances which are explicitly intended to encourage the national birth-rate.

Article 2.

In respect of any costs incurred by the State of residence in furnishing public relief, whatever may be the purpose or amount of such costs, no repayment shall in any circumstances be due from the Government, departments, provinces, communes or public institutions of the country of which the person in receipt of relief is a national, except in cases expressly provided for by Article 4 of the present Convention.

Article 3.

The State of residence shall continue to defray the cost of relief and shall obtain no refund thereof :

(1) In the case of the maintenance, whether at home or in institutions, of aged persons, invalids, and incurables, provided that they have resided continuously in the country for at least 15 years. This period shall be reduced to five years in the case of incapacity

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² The exchange of ratifications took place at Paris, December 14, 1923.

due to one of the occupational diseases to be specified in one of the agreements provided for in Article 7 ;

(2) In the case of all sick, mentally deficient or other persons in receipt of public relief, who have resided continuously in the said country for at least five years. Where medical treatment only is required, any worker who has resided in the country for at least five consecutive months in each year of the aforesaid period shall be regarded as residing continuously therein ;

(3) In the case of children under 16 years of age ; such children shall be deemed to have resided continuously in the country if the father, mother, guardian or person in charge of them fulfils the conditions of residence specified above.

Article 4.

On the expiration of a period of 45 days, and upon notice given by the State of residence, the State of domicile shall, at its own choice, either repatriate any persons in receipt of relief who do not fulfil the conditions of residence laid down in the preceding Article (if such persons are in a condition to be moved) or refund the cost of treatment to the State of residence.

Nevertheless, except in the case of relapses, the cost of relief given by the State of residence in connection with an acute disease, certified to be such by the medical practitioner in charge of the case, shall not be refunded. This exception shall also apply to the cost of relief given to women in childbed.

Repatriation shall not be compulsory in cases in which special relief is given to large families or to women in childbed.

Article 5.

In the agreement provided for in Article 7, the two Governments shall determine in addition to the detailed regulations and measures in execution of the said agreements :

(1) the procedure, conditions and methods of repatriation ;

(2) the length of the period of continuous residence, and the manner in which it shall be reckoned. When notice is given by the State of residence as provided in Article 4, it must be received by the authorities of the State of domicile, as designated in the aforesaid Agreements, within the first 10 days of the period of 45 days. If it is not so received, the said period and the period of 60 days specified in Article 6 below shall be extended by the amount of the delay.

Each of the two Governments undertakes to provide adequate means of conveyance to hospital, and ward space therein, for sick or injured workers and their families in localities inhabited by a large number of workers of the other nationality. Such contributions as may be required of the employers, or voluntarily made by them, for this purpose, shall not be in the nature of specific taxes on foreign labour, which may not be imposed on the nationals of either of the two Contracting Parties.

Where medical treatment at home or in hospital or infirmaries is provided and paid for by the employer, the workers shall be entitled to such treatment free of charge. The sums repayable by the State of domicile under Article 4 above shall not be so repayable when the aforesaid charges are defrayed by the employer, either voluntarily or in virtue of a clause in the labour contract. They shall also not be repayable if they have been defrayed by a friendly society or by any other agency of the same character.

Article 6.

Belgium and France respectively undertake to receive their nationals who are over the age of 70 years, infirm, incurable, mentally deficient, foundlings, or in any other similar situation,

should the other State require their repatriation, provided that documentary evidence is produced in support of such application, and that the consent of the State applied to is obtained in each individual case.

In respect of all persons in receipt of relief who fall within the above-mentioned categories, each of the Contracting Parties undertakes not to claim from the other the cost of relief given prior to repatriation up to a maximum of 60 days, or the cost of repatriation as far as the frontier.

Article 7.

The competent Departments of the two countries shall agree upon the measures of detail necessary for the application of such provisions in the present Convention as entail the co-operation of the said Departments. They shall further specify in what cases and under what conditions correspondence shall be exchanged directly between the Departments.

Article 8.

Friendly societies and associations for relief and social assistance among French nationals in Belgium and among Belgian nationals in France, and bi-nationals associations in either country, whose statutes and methods are in conformity with the laws of the country concerned, shall enjoy the same rights and privileges as are accorded respectively to Belgian or French associations of the same character.

Article 9.

Any difficulties arising out of the present Convention shall be settled through the diplomatic channel.

Should it prove impossible to reach a solution through the said channel, such difficulties shall, at the request of either or both of the Parties, be referred to one or more arbitrators, who shall be appointed to settle them in accordance with the spirit of the present Convention and the fundamental principles thereof.

The establishment and procedure of the Arbitration Court shall be determined by a special arrangement. Either Party may put in as evidence the opinion of an international bureau competent to deal with the question. A request may be made for such opinion, with the consent of the arbitrators.

Article 10.

The present Convention shall be ratified, and the instruments of ratification shall be exchanged at Paris as soon as possible. It shall come into force immediately upon the exchange of ratifications. It shall be operative for one year, and shall be deemed to be renewed annually unless it has been denounced. Notice of denunciation shall be given three months before the expiration of any annual period.

In faith whereof the respective plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done in duplicate at Paris on November 30, 1921.

(Signé) GAIFFIER D'HESTROY.

(Signé) BONNEVAY.