

N° 3825.

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## BELGIQUE ET FRANCE

Convention relative aux assurances sociales, avec annexe, signée à Paris, le 23 août 1930, et protocole, signé à Paris, le 28 décembre 1935.

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## BELGIUM AND FRANCE

Convention respecting Social Insurance, with Annex, signed at Paris, August 23rd, 1930, and Protocol, signed at Paris, December 28th, 1935.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 3825. — CONVENTION <sup>2</sup> BETWEEN BELGIUM AND FRANCE  
RESPECTING SOCIAL INSURANCE. SIGNED AT PARIS, AUGUST  
23RD, 1930.

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*French official text communicated by the Belgian Minister for Foreign Affairs. The registration of this Convention took place February 6th, 1936.*

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HIS MAJESTY THE KING OF THE BELGIANS  
and

THE PRESIDENT OF THE FRENCH REPUBLIC,

Being equally desirous of guaranteeing to Belgian wage-earning employees working in France and French wage-earning employees working in Belgium the benefit of the social insurance legislation in force in the other State, have resolved to conclude a Treaty, and for that purpose have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BELGIANS :

Monsieur Alain Obert DE THIEUSIES, Chargé d'Affaires of Belgium ;

THE PRESIDENT OF THE FRENCH REPUBLIC :

Monsieur Aristide BRIAND, Deputy, Minister for Foreign Affairs ;

Who, having exchanged their powers, found in good and due form, have agreed upon the following provisions :

PART I.

GENERAL PROVISIONS.

*Article 1.*

Belgian wage-earning employees working in France shall be entitled to benefit on the same footing as French wage-earning employees by the provisions of the Social Insurance Act of April 5th, 1928, as amended by the Acts of August 5th, 1929, and April 30th, 1930.

If the said Act is hereafter amended with respect to insurance against sickness, maternity, death, invalidity and old age, the amendment shall apply to Belgian wage-earning employees in the same manner as to French wage-earning employees.

*Article 2.*

French wage-earning employees working in Belgium shall be entitled to benefit on the same footing as Belgian wage-earning employees by the advantages granted by the State to members

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<sup>1</sup> Traduction du Bureau international du Travail.

<sup>1</sup> Translation of the International Labour Office.

<sup>2</sup> The exchange of ratifications took place at Paris, December 30th, 1935.

of the legally recognised mutual benefit organisations, and by the provisions of the Acts respecting insurance against old age and premature death and of any legislation hereafter enacted relating to insurance against sickness, maternity, death, invalidity and old age.

## PART II.

### SPECIAL ARRANGEMENTS FOR FRONTIER WORKERS.

#### *Article 3.*

Frontier workers, *i.e.* those who are employed in industrial, commercial or agricultural establishments in one of the two countries but retain their actual and permanent residence in the other country, shall be affiliated to the insurance carriers of the country in which they have their place of employment for the various risks specified in Articles 1 and 2 of this Convention.

#### *Article 4.*

§ 1. When sickness or maternity insurance benefit in money and in kind, including attendance for disabled persons, is granted to a frontier worker at his place of employment it shall be granted through the carrier to which he is affiliated.

§ 2. If such benefit must be granted to a frontier worker at his place of actual and permanent residence, it shall be granted through the insurance carrier of his country specially authorised for the purpose, as provided below, with which he proves that he is registered.

#### *Article 5.*

The French Government declares that the French insurance carriers authorised for the purpose of the last preceding Article shall be the social insurance funds which satisfy the conditions laid down in sections 26 and 44 of the Act of April 5th, 1928, as amended.

The Belgian Government declares that the Belgian insurance carriers authorised for the purpose of the last preceding Article shall be the legally recognised and specially approved Belgian mutual benefit associations.

The two Governments shall communicate to each other quarterly the list of funds and associations which satisfy the above conditions.

#### *Article 6.*

§ 1. Authorised funds and associations which agree to undertake with respect to one another within their respective districts the service specified by No. § 2 of Article 4 shall conclude a contract which shall be in conformity with the model contract appended to this Convention as regards the clauses which it contains and shall not contain any provision contrary to these clauses.

§ 2. The competent administrative departments of the two countries shall have power to make such alterations in the model contract by mutual agreement as they consider advisable, and any such alterations which they declare compulsory shall apply automatically to current contracts.

§ 3. The contracts entered into between funds and associations under the conditions specified by No. § 1 above shall be exempt in both countries from all stamp duty and registration formalities, and the operations arising out of the carrying out of such contracts shall be treated from the fiscal point of view in the same manner as operations of the said carriers with respect to their own members.

*Article 7.*

Any difficulties which may arise in connection with the settlements of accounts provided for in the contracts specified in Article 6 above shall be brought by each of the contracting carriers to the knowledge of their respective Governments, and shall be examined jointly by two delegates appointed for a term of one year, one by the French Government and the other by the Belgian Government.

These delegates shall themselves lay down their rules of procedure.

Decisions respecting which they are agreed shall not be subject to appeal.

In the event of a difference of opinion between the delegates, the matter shall be referred to the Governments, which shall endeavour to settle the matter through diplomatic channels. If they agree, their decision shall not be subject to appeal. Otherwise the procedure specified in Article 9 below shall apply.

*Article 8.*

The provisions of this Convention shall take effect as from July 1st, 1930, with respect to the legislative measures referred to in Articles 1 and 2 which were in force at that date, and with respect to any legislation hereafter enacted which is covered by the same Articles shall take effect at the date of the coming into operation of such legislation.

Nevertheless, the provisions of Part II (special arrangements for frontier workers) shall take effect only as and when the funds and association conclude the contracts provided for in Article 6.

*Article 9.*

This Convention shall be ratified and the instruments of ratification exchanged at Paris as soon as possible.

It shall come into operation as soon as the instruments of ratification have been exchanged.

It shall remain in operation for one year, and shall be renewed by tacit consent from year to year unless it is denounced.

Denunciation shall be notified three months before the expiry of a term.

Without prejudice to the provisions of Article 7 above, all difficulties respecting the application of this Convention shall be dealt with through diplomatic channels.

If it proves impossible to arrive at a solution by this method, the said difficulties shall be submitted, even at the request of only one of the Parties, to an arbitrator or arbitrators, whose duty it shall be to settle the difficulties in question in accordance with the fundamental principles and spirit of this Convention.

A special arrangement shall be drawn up to govern the institution and operation of the arbitration procedure. Each Party shall have the right to submit, for purposes of information, the opinion of one of the international offices or organisations competent in the matter. This opinion may also be requested for the same purpose by agreement between the arbitrators.

In faith whereof the undersigned, duly authorised for this purpose, have signed the present Convention and have thereto affixed their seals.

Done at Paris, this 23rd day of August, 1930.

(S.) A. Obert DE THIEUSIES.

(S.) A. BRIAND.

<sup>1</sup> TRADUCTION. — TRANSLATION.

MODEL CONTRACT.

BETWEEN THE FRENCH SOCIAL INSURANCE FUNDS AND THE BELGIAN MUTUAL BENEFIT ASSOCIATIONS FOR THE PURPOSES OF THE PROVISIONS OF THE CONVENTION CONCLUDED ON AUGUST 23rd, 1930, BETWEEN THE FRENCH AND BELGIAN GOVERNMENTS RESPECTING FRONTIER WORKERS.

The French Social Insurance Fund .....  
represented by M.....  
And the Belgian Mutual Benefit Association.....  
represented by M.....

Having taken cognisance of the Convention concluded on August 23rd, 1930, between the French and Belgian Governments, and in particular of the provisions of that Convention respecting frontier workers ;

And being desirous of giving effect to those provisions in as far as they are concerned ;

Have agreed as follows :

*Article 1.*

Belgian or French frontier workers having their actual and permanent residence in Belgium in the territory of the Communes of .....  
.....  
to whom the French Social Insurance Act is applicable and who are affiliated to the Fund shall, at their request, be registered with the Association with a view to receiving through the Association, should occasion arise, sickness and maternity benefits, including attendance for disabled persons, when they would be entitled to such benefits at their place of actual and permanent residence.

*Article 2.*

The Association shall register the insured person on production of his Fund membership card. It shall mention the registration on the card, and shall notify the Fund thereof direct. The Fund shall inform the Association within a week if an insured person has left it.

*Article 3.*

Insured persons shall make application to the Association for benefits in the manner laid down in its rules of procedure.

The Association shall immediately notify the Fund of such application, and the Fund shall inform the Association whether, and on what grounds, the applicant is entitled to benefit.

*Article 4.*

Any benefits in kind furnished by the Association shall be those to which the insured person and his family are entitled under the Act, and shall be in accordance with the Fund's schedule of benefits.

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations, à titre d'information.

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

These benefits shall, however, be furnished in accordance with the rules of procedure of the Association, exclusive of any other provision, as regards the choice of practitioners and suppliers and arrangements for the payment of fees and accounts.

Having granted benefits in accordance with its rules of procedure, the Association shall become the creditor of the Fund for such part of the expenditure as may have been incurred in respect of the Fund's schedule of benefits, and the creditor of the insured person for any expenditure over and above that amount.

Should, however, the insured person fail to refund such additional expenditure to the Association within fifteen days of being requested by letter or notification to do so, the Association shall also be entitled to charge the amount in question to the Fund, and the latter shall recover the sum due by deducting it without further procedure from the insured person's subsequent contributions, without prejudice to recourse to legal proceedings.

#### *Article 5.*

The Association undertakes to exercise the same supervision over insured persons registered with it as over its own members.

At least once a fortnight the Association shall send the Fund full particulars from the case papers of any insured persons registered with it who may have applied for benefits.

#### *Article 6.*

As from the date of his or her registration, the Fund shall send the Association an inclusive annual administrative premium of ..... francs<sup>1</sup> for each insured person registered with the Association.

#### *Article 7.*

§ 1. Within the first ten days of each month, the Fund and the Association shall settle their accounts with one another in respect of benefits furnished during the previous month.

The accounts shall be kept in French francs. Should it prove necessary to convert expenditure in Belgian francs into French francs, such operation shall be effected in one transaction at the average rate quoted on the Brussels Stock Exchange during the month to which the settlement relates.

§ 2. The Fund shall credit the Association with the administrative premium payable to the latter immediately it is itself credited with its administrative grants.

#### *Article 8.*

Should sickness and maternity insurance, and attendance for disabled persons, become compulsory under Belgian legislation, any necessary clauses shall immediately be embodied in the present contract, on a basis of reciprocity.

#### *Article 9.*

The Fund and the Association undertake reciprocally to do their utmost to ensure that the present contract is executed as satisfactorily as possible and with the strictest economy.

They declare that they accept, for the settlement of any difficulties that may arise from the application of the present contract, the Courts and procedure set up under the Convention concluded between the French and the Belgian Governments on August 23rd, 1930.

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<sup>1</sup> This figure shall be not less than fr. 3.50 (an average of about 40 % of the administrative grant payable annually to the Fund in respect of the insured person) and not more than fr. 6.50 (an average of about 70 % of the said grant).

## Article 10.

The Fund and the Association shall by common agreement make any amendments to the present contract which the competent administrations of the two countries may declare to be obligatory in virtue of Article 6, § 2, of the Franco-Belgian Convention of August 23rd, 1930.

## Article 11.

The present contract shall be concluded for the same period as the Convention concluded between the French and Belgian Governments on August 23rd, 1930. Either Party may, however, terminate it at any time by giving three months' notice by registered letter.

Done at ..... on .....

For the Fund :

For the Association :

<sup>1</sup> TRADUCTION. — TRANSLATION.

## PROTOCOL.

For the purpose of proceeding as soon as possible to exchange the instruments of ratification of the Convention respecting social insurance, concluded on August 23rd, 1930, the two Contracting Parties have discussed the difficulties arising from the interpretation of Article 8 of the Convention, and in conformity with Article 9 have agreed to interpret the said Article 8 as follows :

(1) With respect to French wage-earning employees working in Belgium :

(a) The State subsidy shall be granted in respect of old age pensions and widows' pensions which have been constituted by means of insured persons' contributions and employers' contributions paid since July 1st, 1930.

Nevertheless, arrears of old age pensions or widows' pensions constituted by the State subsidy shall not in any case be paid in respect of the period before July 1st, 1935.

(b) The free bonus on the old age pension shall be granted to French wage-earning employees working in Belgium, under the conditions laid down for Belgian wage-earning employees, as from July 1st, 1935.

The bonus on widows' pensions shall be granted under the same conditions to the widows of French wage-earning employees.

(2) With respect to Belgian wage-earning employees working in France, the advantages provided in case of old age by social insurance legislation, and reserved for French insured persons, shall be granted to Belgian insured persons as from July 1st, 1935, in respect of payments made since July 1st, 1930, under the same conditions as to French insured persons.

The other advantages granted from the Augmentation Fund of the general guarantee Fund to French insured persons and their dependants shall be granted to Belgian insured persons and their dependants under the same conditions as to French beneficiaries.

Done at Paris, in duplicate, this 28th day of December, 1935.

For Belgium :

(S.) Count DE KERCHOVE.

For France :

(S.) Pierre LAVAL.

<sup>1</sup> Traduction du Bureau international du Travail.

<sup>1</sup> Translation of the International Labour Office.