

N° 317.

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## BELGIQUE ET FRANCE

Convention ayant pour objet de garantir aux nationaux des deux pays, travaillant dans les mines belges ou françaises, le bénéfice du régime spécial de retraite des ouvriers mineurs en vigueur dans chacun des deux pays, signée à Paris le 14 février 1921.

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## BELGIUM AND FRANCE

Convention to guarantee to nationals of both countries, working in Belgian or French mines, the benefits of the special system of pension for miners in force in each of these countries, signed at Paris, February 14, 1921.

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

No. 317. — CONVENTION<sup>2</sup> BETWEEN BELGIUM AND FRANCE TO GUARANTEE TO THEIR NATIONALS WORKING IN BELGIAN OR FRENCH MINES THE BENEFITS OF THE SPECIAL SYSTEM OF PENSION FOR MINERS IN FORCE IN EACH OF THESE COUNTRIES, SIGNED AT PARIS, FEBRUARY 14, 1911.

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*French official text communicated by the Belgian Minister for Foreign. The registration of this Convention took place August 29, 1922.*

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HIS MAJESTY THE KING OF THE BELGIANS and the PRESIDENT OF THE FRENCH REPUBLIC, being equally desirous of establishing, to the utmost possible degree, equality of treatment between the nationals of both States in respect of the application of the special system of miners' pensions, have decided to conclude a Convention to this effect and have appointed as their plenipotentiaries :

HIS MAJESTY THE KING OF THE BELGIANS :

- M. Jean LEBACQZ, Director-General of Mines in the Kingdom of Belgium ;
- M. Albert VAN RAEMDONCK, Director in the Central Administration of Mines in the Kingdom of Belgium, Director-General of the " Miners' National Pension Fund "

THE PRESIDENT OF THE FRENCH REPUBLIC :

- M. Maurice HERBETTE, Minister Plenipotentiary, Director of Administrative and Technical Affairs at the Ministry of Foreign Affairs ;
- M. Arthur FONTAINE, Inspector-General of Mines, Councillor of State on special mission,

Who, after having exchanged their full powers, found in good and due form, have laid down the following regulations :

*Article 1.*

Belgian miners working in France, who, at the age of 55, can prove that they have served for 30 years in French mines, representing 7,920 actual working days, or have done thirty years' paid work in France, fifteen of which at least must have been in the mines, shall benefit, under the same conditions as the French workers, by the grants and increments chargeable to the French State and to the independent funds for miners' pensions. In the case, however, of those of them, who,

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<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

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

<sup>2</sup> The exchange of ratifications took place at Paris, June 15, 1922.

living in Belgium, cannot, in consequence, claim a pension from the national funds for old age pensions, the increments paid from the independent fund shall be deducted to form a pension equal to that which they would have received if the payments provided for by the law of June 29, 1894, had been made.

French miners working in Belgian mines shall, without any condition regarding residence, receive the encouragement premiums provided for by Belgian law regarding old age pensions. If they can prove that they have worked for thirty years in Belgian mines, and if in other respects they fulfil the conditions of age and continuity of service required by the special law regarding the pensions of Belgian miners, they shall further be entitled to grants both from the State and from the provident funds.

#### *Article 2.*

Nationals of both countries who have not accomplished, either in Belgian or French mines, thirty years' service representing a minimum of 7,920 actual working days, but whose total service in the exploitation of mines in the two countries reaches that duration, shall be entitled to a pension the amount of which — including the grants chargeable to both States — shall be at least equal to the amount of the minimum pension fixed by the less favourable legislation.

The respective payments chargeable to the State and the Belgian provident funds on the one hand, and to the State and the independent funds of French miners on the other, shall be determined by taking into account the number of years of actual work in the mines of each of the two countries, taking as a basis the increased pensions as stated above.

The increments to be paid by the independent funds to miners who can prove at least fifteen years service in French mines, shall in no case, however, be less than those provided for by Article 4 of the law of March 9, 1920.

Further, it is understood, that service in the mines in either country shall only be taken into account when determining the right to a grant or increment, if such service is of a minimum duration of five years, representing 1,520 days' work.

Requests for the payment of pensions, grants, increments and bonuses shall be addressed to the administrations or organisations appointed to investigate them in the country in which the beneficiaries last worked.

#### *Article 3.*

The pensions system for miners' widows, provided for in Article 1 of the present Convention shall be determined by the laws of the country which paid the husband's pension.

Miners' widows provided for in Article 2, are entitled to an increment raising their pension, if need be, to the minimum rate provided for by the less favourable legislation. The share chargeable to the Belgian State and provident funds on the one hand, and to the State and the independent funds for French miners' pensions on the other, shall be determined by taking into account the number of years' work done in each of the two countries. The share chargeable to the State or to the organisations in either country may, however, only be claimed if the recipients fulfil the conditions of age and period of married life provided for by the respective laws of both States.

It is, however, understood, that the pensions to which widows, provided for under paragraph 2, are entitled, either from the national funds for old age pensions or from the employers' or liquidation funds, shall be deducted from the increment paid from the independent fund; and, further, that the increment chargeable to the latter institution shall in no case be less than the grant which the recipients might have claimed had French law alone applied.

#### *Article 4.*

The benefits provided for under the terms of the present Convention shall be applicable to miners who, after the date of its coming into force, fulfil the conditions of age and length of service which entitle them to an allowance or increment.

These benefits shall also be applicable to widows whose claims to them arise after that date. As a temporary and exceptional measure, miners of both countries who, at the time of the coming into force of the present Convention, have ceased working in a mine, but who still have their domicile in the country in which it is situated, may, provided they fulfil the conditions of age and length of service stipulated in Article 1, enjoy the benefits laid down in that article.

This temporary measure applies, as regards the first paragraph of Article 3, to the widows of miners who, at the time of their death, had their domicile in the country in which their work in the mine came to an end.

*Article 5.*

Any improvements which may subsequently be introduced by either country in the existing regulations relating to old-age pensions shall *ipso facto* be extended to nationals of the other country.

*Article 6.*

The competent authorities of both countries shall determine the measures of detail and of organisation necessary for the application of the provisions of the present Convention, in particular, those relating to the consideration of claims put forward by the parties concerned, and the method of payment of the pensions, allowances, increments and bonuses.

*Article 7.*

All disputes arising out of the application of the present Convention which could not be settled by friendly agreement between the competent authorities of the two countries, shall, even at the request of one of the parties, be submitted for judgment to one or more arbitrators, whose duty it will be to solve them in accordance with the fundamental principles and the spirit of the present Convention.

*Article 8.*

The present Convention shall be ratified and the ratifications thereof exchanged at Paris as soon as possible.

It shall come into force as soon as the ratifications shall have been exchanged.

It shall be valid for a period of one year and shall be renewed by tacit agreement from year to year, subject to denunciation.

Notice of denunciation shall be given 3 months previous to the expiration of each period of validity.

In faith whereof, the undersigned, duly authorised for that purpose, have signed the present Convention.

Done in duplicate, at Paris, February 14, 1921.

(Signed) MAURICE HERBETTE.

(Signed) ARTHUR FONTAINE.

(Signed) JEAN LEBACQZ.

(Signed) ALB. VAN RAEMDONCK