

No. 503

POLAND
and
FRANCE

General Convention on social security, Supplementary Agreement on the system of social security applicable to persons employed in mines or establishments treated as mines, Supplementary Agreement on the method of transfer and General Protocol relative to the above-mentioned Convention and to the Supplementary Agreement on the system of social security applicable to persons employed in mines or establishments treated as mines. Signed at Paris, on 9 June 1948

French official text communicated by the Permanent Representative of Poland to the United Nations. The registration took place on 12 July 1949.

POLOGNE
et
FRANCE

Convention générale sur la sécurité sociale, Accord complémentaire concernant le régime de sécurité sociale applicable aux travailleurs des mines et établissements assimilés, Accord complémentaire concernant les modalités de transfert et Protocole général relatif à la Convention susmentionnée et à l'Accord complémentaire concernant le régime de sécurité sociale applicable aux travailleurs des mines et établissements assimilés. Signés à Paris, le 9 juin 1948

Texte officiel français communiqué par le représentant permanent de la Pologne auprès de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 12 juillet 1949.

TRANSLATION — TRADUCTION

No. 503. GENERAL CONVENTION¹ BETWEEN POLAND AND FRANCE ON SOCIAL SECURITY, SUPPLEMENTARY AGREEMENT¹ ON THE SYSTEM OF SOCIAL SECURITY APPLICABLE TO PERSONS EMPLOYED IN MINES OR ESTABLISHMENTS TREATED AS MINES, SUPPLEMENTARY AGREEMENT¹ ON THE METHODS OF TRANSFER, AND GENERAL PROTOCOL.¹ SIGNED AT PARIS, ON 9 JUNE 1948

I

GENERAL CONVENTION

BETWEEN FRANCE AND POLAND ON SOCIAL SECURITY

The President of the French Republic,
and the President of the Polish Republic,

desirous of guaranteeing the benefits of the laws on social security in force in the two Contracting States to the persons to whom those laws apply or have been applied, have resolved to conclude an agreement and for this purpose have appointed as their plenipotentiaries:

The President of the French Republic:

- Mr. Daniel MAYER, Minister of Labour and Social Security,
- Mr. R. BOUSQUET, Minister Plenipotentiary, Director-General in the Ministry of Foreign Affairs;

The President of the Polish Republic:

- H.E. Mr. JERZY PUTRAMENT, Ambassador Extraordinary and Plenipotentiary of the Polish Republic in Paris,

who, having exchanged their full powers, found in good and due form, have agreed on the following provisions:

TITLE I—GENERAL PRINCIPLES

*Article 1**Paragraph 1*

French or Polish employed persons and persons treated as employed persons under the social security legislation as set out in article 2 of the present

¹ Came into force on 1 March 1949, in accordance with article 32 of the General Convention and articles 25 and 4 respectively of the two complementary agreements, the instruments of ratification having been exchanged at Warsaw on 3 February 1949.

convention shall be subject respectively to the said legislation in force in Poland or France, and they shall enjoy the benefits thereof under the same conditions as nationals of each country respectively.

Paragraph 2

French or Polish nationals other than those referred to in paragraph 1 of this article shall be subject respectively to the legislation relating to family benefits as set out in article 2 in force in Poland or France, and they shall enjoy the benefits thereof under the same conditions as nationals of each country respectively.

Paragraph 3

French or Polish nationals resident in Poland or in France may be admitted to continued voluntary or optional insurance under the legislation as set out in article 2 in the same conditions as nationals of the country in which they are resident, account being taken of any insurance periods in France and in Poland.

Article 2

Paragraph 1

The legislative measures respecting social security covered by the present convention shall be:

(1) In France:

- (a) the general legislation governing the organization of social security;
- (b) the general legislation governing the social insurance system applicable to insured persons in non-agricultural employment, and concerning insurance against sickness, invalidity, old age and death and the covering of maternity expenses;
- (c) the social insurance legislation applicable to employed persons and persons treated as employed persons in agricultural employment and concerning the covering of the same risks and charges;
- (d) the legislation concerning family benefits;
- (e) the legislative measures concerning the prevention of, and compensation for, industrial accidents and occupational diseases;
- (f) special social security schemes in so far as they deal with the risks or benefits covered by the legislative measures referred to in the foregoing paragraphs and, in particular, the system of social security in the mining industry.

(2) In Poland:

(a) the general legislation concerning sickness and industrial accidents (occupational diseases) insurance;

(b) the legislation concerning insurance against invalidity, old age and death for wage-earning and salaried employees, including the special schemes;

(c) the legislation concerning family insurance (family benefits);

(d) the legislation concerning the methods of supplementing the retirement pensions of wage-earning employees in mines, persons treated as such, and persons employed in other occupations.

Paragraph 2

The present convention shall also apply to any laws or regulations which have amended or supplemented, or which may in future amend or supplement, the laws referred to in the first paragraph of the present article.

Nevertheless, the present convention shall not apply:

(a) to laws or regulations covering a new branch of social security, unless an arrangement to that effect be agreed upon between the Contracting Governments;

(b) to laws or regulations extending the existing schemes to new classes of beneficiaries, if the other Contracting Government lodges an objection with the Government concerned, within a period of three months after the official publication of the said laws or regulations.

Article 3

Paragraph 1

Employed persons or persons treated as employed persons under the laws applicable in both countries, who are employed in either country, shall be subject to the laws in force at their place of employment.

Paragraph 2

The following exceptions shall be made to the principle laid down in paragraph 1 of the present article:

(a) Employed persons and persons treated as employed persons who are employed in a country other than that of their normal residence by an undertaking having in this latter country an establishment to which the persons concerned normally belong shall remain subject to the legislation in force in the country in which they are normally employed, provided that their

employment within the territory of the second country does not exceed six months; where for unforeseeable reasons this employment is extended beyond the period originally laid down and exceeds six months, the application of the legislation in force in the country in which they are normally employed may, as an exceptional measure, be continued with the agreement of the Government of the country in which the temporary place of work is situated;

(b) Employed persons or persons treated as employed persons belonging to public or private transport undertakings in either country who are employed in the other country either temporarily or as travelling personnel, shall be subject exclusively to the provisions in force in the country in which the undertaking has its head office;

(c) Employed persons or persons treated as employed persons belonging to official administrative departments who are posted by one of the contracting countries for employment in the other country shall be subject to the provisions in force in the country by which they are so posted.

Paragraph 3

French or Polish nationals other than employed persons or persons treated as employed persons shall be subject to the legislation concerning family benefits in force at the place of their principal occupation. If they carry on no occupation they shall be subject to the legislation concerning family benefits in force at the place of their normal residence.

Paragraph 4

The competent authorities of the Contracting Governments may provide, by mutual agreement, for exceptions to the rules laid down in paragraphs 1 and 3 of the present article. They may also agree that the exceptions provided for in paragraph 2 shall not be applied in certain particular cases.

Article 4

The provisions of paragraph 1 of article 3 shall be applicable to employed persons or persons treated as employed persons whatever their nationality, who are employed in the diplomatic or consular offices of France or Poland or who are in the personal employ of officers of the diplomatic or consular service of those countries.

Nevertheless:

(1) the present article shall not apply to diplomatic and consular officers *de carrière*, including officials on the staff of chancelleries;

(2) employed persons and persons treated as employed persons who are of the nationality of the country represented by the diplomatic or consular office and who are posted temporarily in the country where they are employed may opt between the application of the legislation of the country in which they are employed and the application of the legislation of their country of origin.

TITLE II—SPECIAL PROVISIONS

Chapter 1—Insurance against sickness, maternity, death

Article 5

Employed persons and persons treated as employed persons who go from France to Poland or vice versa shall, together with the legally entitled members of their household in the country of the new place of work, enter into benefit in respect of the sickness insurance schemes of that country, provided that:

(1) they have been in employment for wages or in other employment treated as such in that country;

(2) the sickness becomes apparent after their entry into the territory of that country, unless the legislation applicable to them at their new place of employment provides more favourable conditions for benefit;

(3) they fulfil the conditions required for eligibility for benefit under the legislation of the country of their new place of employment, or prove that they have satisfied the requirements of the legislation of the country they have left.

Article 6

Employed persons and persons treated as employed persons who go from France to Poland or vice versa shall, together with the legally entitled members of their household in the country of the new place of employment, enter into benefit in respect of the maternity schemes of that country provided that:

(1) they have been in employment for wages or in other employment treated as such in that country;

(2) they fulfil the conditions required for eligibility for benefit under the legislation of the country of their new place of employment, or prove that they have satisfied the requirements of the legislation of the country they have left, account being taken of the period of registration in the latter country and the period subsequent to their registration in the country of their new place of employment.

Nevertheless, maternity benefits shall be paid by the social insurance authority of the scheme under which the person was insured at the presumed date of conception. Such authority shall refund to the social insurance authority of the country of the new place of employment the total expenses involved.

Article 7

Employed persons and persons treated as employed persons who go from one country to the other shall establish the right to the death benefits provided for by French legislation or to the funeral allowances provided for by Polish legislation, in accordance with the legislation of the country of the new place of employment, provided that:

(1) they have been in employment for wages or in other employment treated as such in that country;

(2) they fulfil the conditions required for eligibility for benefit under the legislation of the country of their new place of employment, or prove that they have satisfied the requirements of the legislation of the country they have left, account being taken of the period of registration in the latter country and the period subsequent to their registration in the country of their new place of employment.

Article 8

Persons who have obtained the payment of a pension in accordance with the present convention on the basis of the aggregation of the insurance periods, shall be entitled to the sickness insurance benefits in kind, provided that they satisfy the conditions laid down by the legislation of the country of residence; the social insurance authorities of the country of residence shall be responsible for payment of these benefits.

Chapter 2—Invalidity insurance

Article 9

Paragraph 1

For French or Polish employed persons or persons treated as employed persons who in the two countries have been insured, consecutively or alternately, under one or more invalidity insurance schemes, the insurance periods completed under these schemes or the periods recognized as equivalent to insurance periods by virtue of the said schemes, shall, provided that they do not overlap, be aggregated for the purposes both of the determination of the right to benefit in cash or in kind, and of the maintenance or recovery of this right.

Paragraph 2

Cash benefits under the invalidity insurance system shall be paid in accordance with the law applicable to the person concerned at the time of the first medical declaration of sickness or accident, and the costs shall be borne by the social security authority competent under the terms of that law.

Paragraph 3

Nevertheless, if at the beginning of the calendar quarter in the course of which the sickness began, the disabled person previously insured under an invalidity insurance scheme of the other country, has not been subject for a period of not less than one year to the legislation of the country in which the sickness was declared, he shall receive from the competent social insurance authority of the other country, the cash benefits provided for by the legislation of that country. This provision shall not apply if invalidity is the result of an accident.

Article 10

If, after suspension or discontinuance of the invalidity pension, the insured person again becomes entitled to benefit, the payment of benefit shall be resumed by the authority responsible for the pension originally granted, if the state of invalidity is attributable to the disease or disablement in respect of which such pension was previously granted.

Article 11

An invalidity pension shall be converted, where necessary, into an old-age pension when the conditions laid down by the legislation of the country liable to contribute to the cost of the old-age pension have been fulfilled.

Effect shall be given where necessary to the provisions of chapter 3 below.

Article 12

The competent authorities of the Contracting Governments shall regulate by mutual agreement the details of medical and administrative control of disabled persons.

*Chapter 3—Insurance against old age and death (pensions)**Article 13**Paragraph 1*

For French or Polish employed persons of French or Polish persons treated as employed persons who in the two countries have been insured, consecutively or alternately, under one or more old-age or death insurance schemes, the

insurance periods completed under these schemes or the periods recognized as equivalent to insurance periods by virtue of the said schemes, shall, provided that they do not overlap, be aggregated for the purposes both of the determination of the right to benefit and of the maintenance or recovery of this right.

Paragraph 2

Where the legislation of one of the contracting countries makes the grant of certain benefits conditional upon the periods being completed in an occupation subject to a special insurance scheme, the periods completed under the corresponding special scheme or schemes of the other country shall alone be aggregated for admission to the grant of these benefits. Nevertheless, if there is no special scheme in either country in respect of the given occupation, the insurance periods completed in the said occupation under one of the schemes referred to in paragraph 1 above shall be aggregated.

Paragraph 3

The amount of benefit to which an insured person may become entitled from the competent authorities of either country shall be determined by reducing the amount of the benefit to which he would have been so entitled if the total number of periods referred to in paragraph 1 above had been completed under the appropriate scheme, the reduction being effected on a *pro rata* basis having regard to the periods actually completed under that scheme.

Article 14

When an insured person, account being taken of the total number of periods referred to in paragraph 1 of article 13, does not simultaneously satisfy the conditions required by the laws of the two countries, his right to a pension in respect of either scheme shall be established as soon as he has satisfied those conditions.

Chapter 4—Provisions common to invalidity insurance and old-age insurance

Article 15

For the application of paragraph 3 of article 13, account shall be taken only of insurance periods valid for the scheme under which they have been completed and consisting of not less than 52 weeks in both Poland and France.

Article 16

Where, in accordance with the legislation of one of the countries, benefits are paid on the basis of the average wage for the whole insurance period or a

fraction thereof, the average wage on which the benefits to be paid by these countries are calculated shall be determined by agreement between the competent authorities of the Contracting Governments, except where the fraction of the period to be taken into account for the determination of the average wage has been completed in entirety under the system of that country.

Chapter 5—Grants payable at death to beneficiaries

Article 17

Death benefits due to beneficiaries shall be paid by the social insurance authority with which the person concerned was last insured, provided that he fulfils the conditions required for eligibility for benefit under the legislation governing that authority, account being taken of the insurance periods completed in the two countries.

Chapter 6—Family benefits

Article 18

Where the national legislation makes establishment of the right to family benefits conditional upon the completion of periods of employment or occupation or other activity treated as employment or occupation, account shall be taken of the period completed in each country.

Chapter 7—Industrial accidents and occupational diseases

Article 19

Paragraph 1

Nationals of either country shall not be subject to the provisions incorporated in legislation concerning industrial accidents and occupational diseases which restrict the rights of foreigners or which impose loss of rights by reason of their place of residence.

Paragraph 2

Increased rates or supplementary allowances granted in addition to industrial accident pensions under the legislation in force in each of the two countries shall be paid to the persons to whom paragraph 1 above applies who change their place of residence from one country to the other.

Article 20

Where an employed person who has received compensation for an occupational disease in one of the contracting countries presents a claim for

compensation in respect of a disease of the same nature, under the legislation of his new place of employment in the other country, he shall be bound to make a statement to the competent authority of the latter country of the benefits and compensation already received in respect of the same disease.

The authority responsible for the new benefits and compensation shall take the previous benefits into account as if it had been responsible for them.

TITLE III—GENERAL AND MISCELLANEOUS PROVISIONS

Chapter 1—Administrative co-operation

Article 21

The competent authorities of the two Contracting Governments and the social security authorities shall furnish mutual assistance in the same degree as if the matter in question were one affecting the application of their own social security schemes.

Article 22

Paragraph 1

The privilege of exemption from liability to pay legal dues in respect of registration stamp charges and consular fees provided by the laws of either country in respect of documents to be produced before the administrative authorities or social insurance authorities of the one country shall be extended to the corresponding documents to be produced, for the purposes of the application of the present convention, before the administrative authorities or social security authorities of the other country.

Paragraph 2

The requirement of legislation by the diplomatic and consular authorities shall be waived in respect of all certificates, documents and papers to be produced for the purposes of the operation of the present convention.

Article 23

All communications relating to the application of the present convention sent by beneficiaries under the convention to the social security authorities and other administrative or judicial authorities having powers in relation to social security in either country, shall be drawn up in the official language of the one or the other of the two countries.

Article 24

Appeals which are required to be lodged within a prescribed period with an authority competent to accept appeals relating to social security in one or other of the two countries shall be deemed admissible if they are lodged within the same period with a corresponding authority in the other country. In such cases, the latter authority shall transmit the appeals without delay to the competent authority.

*Article 25**Paragraph 1*

The competent authorities of the Contracting Governments shall determine between themselves the detailed measures for the implementation of the present convention, or of the supplementary Agreements provided for in the convention, in so far as those measures call for joint action by those authorities.

The same authorities shall communicate to each other in due course information about the details of changes that have taken place in the laws or regulations in their respective countries concerning the schemes enumerated in article 2.

Paragraph 2

The social security authorities in each country shall communicate to each other information about the other arrangements made, within their respective countries, for the implementation of the present convention.

Article 26

The Ministers having among their functions the administration of the schemes enumerated in article 2 shall be deemed in each of the contracting countries to be the competent authorities, within the meaning of the present convention, to the extent to which those schemes fall within their competence.

*Chapter 2—Miscellaneous provisions**Article 27*

The authorities responsible, by virtue of the present convention, for the administration of social security benefits, shall be held to discharge their responsibility validly by payments in the currency of their country.

In the event of the issue of regulations, in one or other of the two countries with a view to imposing restrictions upon the free exchange of currency, measures are to be taken forthwith, by agreement between the two Governments, to

ensure, in accordance with the provisions of the present convention, the reciprocal transfer of sums due.

Article 28

Nothing in this convention shall be held to invalidate in any way the rules laid down in the schemes referred to in article 2 respecting the conditions under which insured persons may take part in the elections in connexion with the functioning of the social security system.

Article 29

The formalities that may be laid down by the legal provision or regulations of one or other of the Contracting Governments in respect of the payment, outside the limits of their territory, of the benefits distributed by its social security authorities shall also apply, under the same conditions as those applicable to nationals, to persons entitled to receive such benefits by virtue of the present convention.

Article 30

The provisions necessary for the application of the present convention as regards the several branches of social security included in the schemes referred to in article 2 will form the subject matter of one or more supplementary agreements between the Governments or the competent authorities of the Contracting States. Any such agreement may be made applicable to the whole of the Contracting State, or to such parts thereof as may be prescribed by the terms of the agreement.

Supplementary agreements based on the principles of the present convention shall regulate, in particular, the situation of persons employed in the mining industry.

Article 31

Paragraph 1

All difficulties relating to the carrying out of the present convention shall be resolved by agreement between the competent authorities of the Contracting Governments.

Paragraph 2

In cases where it may have been impossible to arrive at a solution by this means, the disagreement is to be submitted to arbitration, in accordance with a procedure to be arranged between the two Contracting Governments. The arbitral body shall settle the dispute according to the fundamental principles and in the spirit of the present convention.

*Article 32**Paragraph 1*

The present convention shall be ratified and the instruments of ratification shall be exchanged in Warsaw as soon as possible.

Paragraph 2

It shall come into force on the first day of the month following the exchange of the instruments of ratification.

Paragraph 3

The date on which the supplementary agreements referred to in article 30 become applicable shall be provided for in the said agreements.

Paragraph 4

All benefits, payment of which was suspended under the provisions in force in one of the contracting countries by reason of the residence abroad of the persons concerned, shall be paid as from the first day of the month following the entry into force of the present convention. Benefits which could not be granted to the beneficiaries for the same reason shall be awarded and paid as from the same date.

The provisions of this paragraph shall not apply unless the claims are made within a period of one year from the date of the entry into force of the present convention.

Paragraph 5

The supplementary agreements referred to in article 30 shall determine the conditions and methods in accordance with which rights previously awarded and rights revived or awarded in pursuance of the preceding paragraph shall be reviewed with a view to adapting their award to conform with the provisions of the present convention or the said supplementary agreements. Where the rights previously awarded have been settled by means of a lump-sum payment, there shall be no ground for review.

*Article 33**Paragraph 1*

The present convention is concluded for the duration of one year. It will continue in force from year to year unless notice of termination is given three months before the expiration of the period.

Paragraph 2

In the event of such termination, the provisions of the present convention and of the supplementary agreements referred to in article 30 shall remain applicable to acquired rights, notwithstanding any restrictive provisions that the schemes concerned may have laid down for cases of residence in a foreign country on the part of insured persons.

Paragraph 3

In the case of any rights that are in process of acquisition in respect of insurance periods completed prior to the date on which the present convention ceases to have effect, the provisions of this convention shall continue to apply, in conformity with conditions to be laid down by supplementary agreements.

Article 34

The following shall be repealed as from the date of the entry into force of the present convention:

- (1) Article 3, paragraphs 2 and 3, of the Franco-Polish Convention on Emigration and Immigration, dated 3 September 1919;¹
- (2) Articles 1 and 2 of the Franco-Polish Convention on Social Assistance and Welfare, dated 14 October 1920.

IN WITNESS WHEREOF the respective plenipotentiaries have signed the present convention and affixed their seals thereto.

DONE in duplicate, at Paris, 9 June 1948.

[L. S.]

(*Signé*) Jerzy PUTRAMENT

(*Signé*) Daniel MAYER

(*Signé*) Raymond BOUSQUET

¹ League of Nations, *Treaty Series*, Volume I, page 338, and Volume III, pages 260 and 280.

II

SUPPLEMENTARY AGREEMENT
TO THE GENERAL CONVENTION OF 9 JUNE 1948 BETWEEN
FRANCE AND POLAND ON SOCIAL SECURITY*THE SYSTEM OF SOCIAL SECURITY APPLICABLE TO PERSONS
EMPLOYED IN MINES AND ESTABLISHMENTS
TREATED AS MINES*

TITLE I—GENERAL PROVISIONS

Article 1

The present agreement defines the system applicable to French or Polish nationals who are or have been employed in mines or establishments treated as mines in either country, as well as to their dependants.

Article 2

The provisions of the General Convention of 9 June 1948, with the exception of title II, chapters 2, 3 and 4, concerning insurance against old age, invalidity and death (pensions), shall be applicable to the employed persons referred to in article 1, and to their dependants.

TITLE II—INSURANCE AGAINST OLD AGE, INVALIDITY AND DEATH (PENSIONS)

*Chapter 1—Common provisions**Article 3**Paragraph 1*

For employed persons who, in the two countries, have been subject consecutively or alternately to the special legislation for persons employed in mines, the insurance periods completed under either legislation or the periods recognized as equivalent to insurance periods by virtue of the said legislations shall be aggregated for the purposes both of the determination of the right to old-age, invalidity and death insurance benefit (pensions) and of the maintenance or recovery of this right.

Paragraph 2

The periods of employment deemed to have been completed underground under the special legislation for persons employed in mines of one of the contracting countries shall be deemed to be periods of employment underground under the legislation of the other country.

Article 4

Any period recognized as equivalent to an insurance period under the legislations of both countries shall be taken into account only by the authorities of the country in which the person concerned was last employed in a mine before the period in question.

Where the person concerned has not been employed in a mine before the said period, such period shall be taken into account by the authorities of the country in which he was employed in a mine for the first time.

Article 5

The social insurance authorities of each country shall determine, in accordance with the legislation applicable to them and taking into account the total number of insurance periods irrespective of the contracting country in which they have been completed, whether the person concerned satisfies the conditions required in order to be entitled to the benefits provided for by that legislation.

The authorities shall determine the amount of the cash benefit to which the person concerned would be entitled if the total number of insurance periods had been completed exclusively under their own legislation and shall reduce this amount on a *pro rata* basis having regard to the periods actually completed under that legislation.

Nevertheless, an authority shall not be responsible for a benefit where the periods completed under the relevant legislation do not total one year comprising the annual minimum number of days of actual employment or of days treated as actual employment provided for by that legislation.

The benefit referred to in paragraph 2 of this article shall include all the elements provided for by the national legislation, with the exception of the benefits referred to in article 21.

Article 6

When an insured person, account being taken of the total number of insurance periods, does not simultaneously satisfy the conditions required by the laws of the two countries, his right to benefit in respect of either scheme shall be established as soon as he has satisfied those conditions.

Article 7

When a category of employment is subject to the special legislation for persons employed in mines in one only of the contracting countries, the social

insurance authority with which the person concerned has been insured in each of the countries shall take into consideration the total number of periods completed in that category in France and Poland.

Each authority shall apply articles 3 to 6 when calculating the benefits for which it is responsible.

Chapter 2—Old-Age insurance

Article 8

All employed persons who benefit from the present agreement shall be exempt from payment of the acknowledgment tax required under the legislation of either country, so long as they reside outside the country in which the tax is due.

Article 9

The special allowance and the cumulative compensation to be borne by France shall be calculated in accordance with articles 3 to 5 of chapter I of this title, taking into account service completed in the two countries both underground and on the surface, and in proportion to the number of years service completed in mines in France.

The special allowance and the cumulative compensation shall not be payable except to the persons concerned who are employed in French mines.

Chapter 3—Invalidity insurance

Article 10

For the establishment of the right to invalidity pensions, the period throughout which the person concerned is required to have been in receipt of the cash compensation paid under sickness insurance prior to the award of his pension shall, in all cases, be that provided for by the legislation of the country in which he was working at the time of the occurrence of the accident or sickness which caused the invalidity.

Article 11

The occupational invalidity pension provided for by the special legislation for persons employed in the mining industry of either contracting country shall be payable only to insured persons who were subject to that legislation at the time of the occurrence of the accident or sickness which caused the invalidity, and who have been resident in the country in which that legislation is in force until the award of the said pension.

The pension shall cease to be paid to a pensioner who resumes employment outside of that country.

Article 12

Where an insured person does not satisfy the conditions laid down for the grant of an invalidity pension by each of the special legislations for persons employed in the mining industries of the two countries, the benefits to which he is entitled shall be determined in accordance with the law applicable to him at the time of the first medical declaration of the sickness or accident from which his invalidity resulted, taking into account, where necessary, the provisions of this agreement, respecting the aggregation of the insurance periods.

The invalidity pensions shall be borne exclusively by the social security authority competent under the terms of the latter law.

Nevertheless, if, at the beginning of the calendar quarter in the course of which the sickness occurred, the disabled person, previously subject to an invalidity insurance system of the other country, has not been subject for a period of not less than one year to the legislation of the country in which the sickness was declared or if, although he satisfies the conditions required for the grant of an invalidity pension by each of the special legislations for persons employed in the mining industries of the two countries, the insurance periods completed in the country in which the sickness was declared do not amount to the minimum total of one year as laid down in article 5 of this agreement, he shall receive from the competent social security authority of the other country the invalidity pension provided for by the legislation of that country. This provision shall not apply if the invalidity is the result of an accident.

Article 13

Where at the time at which the accident or sickness which caused invalidity occurred, the person concerned was employed in the country other than that of the debtor authority, account shall be taken, in determining the amount of the invalidity pension, of the wage granted in the country of the debtor authority to employed persons of the occupational category to which the person concerned belonged at that time.

Article 14

For the purpose of determining the degree of invalidity, the social insurance authorities of each country shall take into account the medical declarations and the information collected by the social insurance authorities of the other country.

Nevertheless, they shall retain the right to have the person concerned examined by a medical practitioner of their own choice.

Article 15

If, after suspension or discontinuance of the pension, the insured person again becomes entitled to benefit, the payment of benefit shall be resumed by the authority responsible for the pension originally granted, if the state of invalidity is attributable to the disease or disablement in respect of which such pension was previously granted.

The provisions of the present article shall not apply to occupational invalidity pensions.

Article 16

An occupational invalidity pension granted in virtue of the special legislation for persons employed in the mining industry of either country shall be converted into a general invalidity pension under the conditions laid down by that law, account being taken of the provisions of articles 10, 11 and 12.

Article 17

Invalidity pensions shall be converted where necessary into old-age pensions under the conditions laid down by the law by virtue of which they were granted.

*Chapter 4—Death insurance (pensions)**Article 18*

The provisions of article 8 shall apply to the various categories of widows' pensions.

Article 19

Notwithstanding the provisions of article 5, orphans' allowances shall be borne exclusively by the social insurance authority of the country in which the insured person was last employed in the mining industry.

*Chapter 5—Children's allowances**Article 20*

Notwithstanding the provisions of article 5, the children's allowances provided for by the special French legislation for persons employed in the mining industry shall be paid under the conditions determined by that legislation for old-age pensioners or their widows.

*Chapter 6—Coal and rent allowance**Article 21*

The grant to pensioners of coal and rent allowances, or of grants in lieu thereof, will form the subject matter of an arrangement between the competent authorities of the two States.

*Chapter 7—Miscellaneous provisions**Article 22*

Beneficiaries under the Franco-Polish Convention of 21 December 1929 respecting the insurance of wage-earning and salaried employees in the mining industry against old age, invalidity and death shall be entitled in full to the benefits provided for under the present Agreement.

Nevertheless, benefits borne by either of the two countries and granted to the persons concerned after review may not be less than the benefits of which they are in receipt in virtue of the Convention of 21 December 1929 on the date of the entry into force of the present agreement.

*Article 23**Paragraph 1*

Applications for cash benefits due under the provisions of the present agreement shall be submitted to the social insurance authority with which the person concerned has been insured.

Paragraph 2

The date of applications shall be deemed by all the authorities referred to in paragraph 1 to be the date of their receipt by one of the said authorities.

Paragraph 3

The applications shall be accompanied by the papers and documentary evidence required under the legislation of the various insurance schemes under which the person concerned has been insured.

Paragraph 4

The social insurance authorities referred to in paragraphs 1 and 2 shall be deemed to include any authorities which, in accordance with the statutory provisions regulating such social insurance authorities, are competent to accept the said applications.

Article 24

The National Independent Fund for Social Security in the Mining Industry (*Caisse Autonome Nationale de la Sécurité Sociale dans les Mines*), the Central Institute of Social Insurance at Warsaw, and the Miners' Fund (*Spółka Bracka*) at Tarnowskie Góry shall furnish mutual assistance for the application of the present agreement and shall correspond directly with one another for this purpose.

Article 25

The present agreement shall be ratified and the instruments of ratification shall be exchanged in Warsaw as soon as possible.

It shall come into force on the same date as the General Convention on Social Security.

Article 26

The present agreement is concluded for the duration of one year. It will continue in force from year to year unless notice of termination is given by either Government to the other three months before the expiration of the period.

Article 27

Subject to the provisions of article 22 above, the convention of 21 December 1929 shall be repealed as from the date of entry into force of the present agreement.

DONE in duplicate, at Paris, on 9 June 1938.

[L. S.]

(Signed) Daniel MAYER

(Signed) Raymond BOUSQUET

(Signed) Jerzy PUTRAMENT

III

SUPPLEMENTARY AGREEMENT
TO THE GENERAL CONVENTION OF 9 JUNE 1948 BETWEEN
FRANCE AND POLAND ON SOCIAL SECURITY

*METHODS OF TRANSFER**Article 1*

The transfer to Poland of the benefits due under the French social security laws to beneficiaries resident in Polish territory shall be carried out through the agency of one or more French centralizing authorities acting for the account of all the French authorities and of one or more Polish centralizing authorities,

in accordance with methods to be laid down in an agreement between the competent authorities of the Contracting States.

Article 2

The transfer to France of the benefits due under the Polish social security laws to beneficiaries resident in France shall be carried out through the agency of one or more Polish centralizing authorities acting for the account of all the Polish authorities and of one or more French centralizing authorities, in accordance with methods to be laid down in the above-mentioned Agreement between the competent authorities of the Contracting States.

Article 3

This agreement may, if necessary and to the extent required, constitute a derogation from the laws and regulations in force in either of the contracting countries.

Article 4

The present agreement shall be ratified and the instruments of ratification shall be exchanged in Warsaw as soon as possible.

It shall come into force on the same date as the General Convention on Social Security.

It shall remain in force for one year and shall continue in force from year to year unless notice of termination is given three months before the expiration of the period.

IN WITNESS WHEREOF the respective plenipotentiaries have signed the present agreement and affixed their seals thereto.

DONE in duplicate, at Paris, on 9 June 1948.

[L. S.]

(Signed) Daniel MAYER

(Signed) Raymond BOUSQUET

(Signed) Jerzy PUTRAMENT

IV

GENERAL PROTOCOL

RESPECTING THE GENERAL CONVENTION ON SOCIAL SECURITY
BETWEEN FRANCE AND POLAND AND THE SUPPLEMENTARY
AGREEMENT CONCERNING THE SYSTEM OF SOCIAL
SECURITY APPLICABLE TO PERSONS EMPLOYED IN MINES
AND ESTABLISHMENTS TREATED AS MINES

The High Contracting Parties, desirous of extending as widely as possible to French and Polish nationals the benefit of the laws on social security of the two countries, hereby decide, in conformity with the principles established both by the previous conventions on emigration and immigration of 3 September 1919 and on social assistance and welfare of 14 October 1920, and by the General Convention of this day's date, to subscribe jointly to the following declarations interpreting certain points in the General Convention and the supplementary agreement:

(1) For the purposes of article 2, paragraph 1, subparagraph 2 (*b*) of the General Convention, any scheme other than the general scheme which grants pensions or allowances in case of old age, invalidity or death to employed persons, shall be deemed to be a special scheme within the meaning of Polish law. This provision shall not apply to established civil servants.

Nothing in the provisions of the Polish legislative decree No. 387 of 22 October 1947 shall affect the benefits laid down in the General Convention, provided that such benefits are not greater than those resulting from the general Polish law on social security.

(2) The provisions of article 2, paragraph 2, of the General Convention shall be interpreted as widely as possible in the spirit of the said convention.

In the event of the institution in France or in Poland of unemployment insurance, the French and Polish Governments undertake to consider the adoption of the necessary provisions to extend such insurance to Polish nationals in France and to French nationals in Poland.

(3) For the purposes of article 9 of the General Convention and of article 12 of the supplementary agreement, the date of the first medical declaration of sickness shall be the date for establishment of the right to sickness insurance benefits in cash or in kind.

(4) For the establishment of the right to and payment of benefits under systems of insurance against old age, invalidity or death (pensions), periods recognized as equivalent to insurance periods shall be deemed to be periods recognized as such by the domestic law of each of the contracting countries,

with the exception of any periods completed in a third country with which a convention of reciprocity has been concluded.

(5) It is established that the provisions of the General Convention and the supplementary agreement of this day's date shall replace the provisions of the invalidity, old-age and death arrangements of 10 February 1947.

DONE in duplicate, at Paris, on 9 June 1948.

[L. S.]

(Signed) Daniel MAYER

(Signed) Raymond BOUSQUET

(Signed) Jerzy PUTRAMENT
