

No. 1748

**BELGIUM, FRANCE,
LUXEMBOURG, NETHERLANDS
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**

**Convention on social and medical assistance. Signed at Paris,
on 7 November 1949**

**Supplementary Agreement (with annexes) to give effect to the
above-mentioned Convention. Signed at Brussels, on
17 April 1950**

Official texts: English and French.

Registered by Belgium on 11 June 1952.

**BELGIQUE, FRANCE,
LUXEMBOURG, PAYS-BAS
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

**Convention d'assistance sociale et médicale. Signée à Paris,
le 7 novembre 1949**

**Accord complémentaire (avec annexes) pour l'exécution de
la Convention susmentionnée. Signé à Bruxelles, le
17 avril 1950**

Textes officiels anglais et français.

Enregistrés par la Belgique le 11 juin 1952.

No. 1748. CONVENTION¹ BETWEEN THE GOVERNMENTS OF BELGIUM, FRANCE, LUXEMBOURG, THE NETHERLANDS AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ON SOCIAL AND MEDICAL ASSISTANCE. SIGNED AT PARIS, ON 7 NOVEMBER 1949

The Governments of Belgium, France, Luxembourg, the Netherlands and the United Kingdom of Great Britain and Northern Ireland ;

Being resolved, in accordance with the purposes of the Treaty of Brussels signed on 17th March 1948,² to extend their co-operation in the social field ;

Considering the importance of establishing the principle of equal treatment for the nationals of each of them in the application of legislation providing for social and medical assistance ; and

Desiring to conclude a Convention to this end ;

Have agreed as follows :

Article 1

(a) Each of the Contracting Parties undertakes that nationals and persons treated as nationals (hereinafter called "nationals") of the other Contracting Parties, who are lawfully resident in any part of its territory to which the present Convention applies, and who are without sufficient resources, shall be entitled, equally with its own nationals and on the same conditions, to social and medical assistance provided by the legislation in force in that part of its territory.

(b) For the purposes of the present Convention, "social and medical assistance" (hereinafter referred to as "assistance") shall mean social and medical assistance

¹ In accordance with article 11(b), the Convention came into force on 27 April 1951, two months after the day on which the third instrument of ratification was deposited with the Secretary-General of the Brussels Treaty Permanent Commission, between the following signatories on behalf of which the instruments of ratification were deposited on the dates indicated :

Belgium	3 July 1950
(It is not applicable to the territories of the Belgian Congo and Ruanda-Urundi.)	
United Kingdom of Great Britain and Northern Ireland	29 July 1950
Netherlands	27 February 1951

It came into force subsequently in respect of the following signatory States on the first day of the month following that in which the respective instruments of ratification were deposited ; following are the dates of deposit of the instruments of ratification, and the dates of entry into force :

	<i>Date of deposit of instrument of ratification</i>	<i>Date of entry into force</i>
France	5 April 1951	1 May 1951
Luxembourg	12 January 1952	1 February 1952

² United Nations, *Treaty Series*, Vol. 19, p. 51.

provided by such legislation with the exception of non-contributory pensions and payments made by virtue of special legislation providing assistance for old, infirm or unemployed persons.

Article 2

The cost of assistance to a national of any of the Contracting Parties shall be borne by the Contracting Party in whose territory that national is lawfully resident.

Article 3

Subject to the provisions of Article 4, a Contracting Party, in whose territory a national of another Contracting Party is lawfully resident, shall not repatriate that national on the sole ground that he is in need of assistance which is likely to be prolonged and costly.

Article 4

A Contracting Party may repatriate a national resident in its territory on the sole ground mentioned in Article 3 if he fulfils all of the following conditions :

- (a) he has resided in the territory of that Contracting Party for less than 5 years if he entered it before attaining the age of 55 years, or for less than 10 years if he entered it after attaining that age ;
- (b) he is in a fit state of health to be transported ; and
- (c) he has no close family ties in the territory in which he is resident.

Article 5

Nothing in the present Convention shall prejudice the right to deport on any ground other than the sole ground mentioned in Article 3.

Article 6

The Contracting Party repatriating any national in accordance with the provisions of Article 4 shall bear the cost of repatriation as far as the frontier of the territory to which the national is being repatriated.

Article 7

Each Contracting Party undertakes to receive any of its nationals repatriated in accordance with the provisions of Article 4.

Article 8

- (a) The present Convention shall apply to the following territories,
- (i) the metropolitan territory of Belgium,
 - (ii) the territory of metropolitan France,
 - (iii) the territory of the Grand Duchy of Luxembourg,
 - (iv) the European territory of the Kingdom of the Netherlands, and
 - (v) the United Kingdom of Great Britain and Northern Ireland, except the Channel Islands and the Isle of Man.

(b) The Government of the Kingdom may apply the present Convention (i) to the Channel Islands and (ii) to the Isle of Man by giving notice in writing of the Secretary-General of the Brussels Treaty Permanent Commission, which shall take effect on the first day of the month following that on which it is received by him.

Article 9

The specification of assistance legislation and the definition of the expression "nationals and persons treated as nationals" for the purpose of the present Convention, as well as provisions for the application of the present Convention, including the method of calculating the duration of residence and questions pertaining to repatriation, shall be determined by a supplementary agreement between the Contracting Parties.

Article 10

(a) Any disagreement two or more of the Contracting Parties arising out of the interpretation or application of the present Convention shall be resolved by negotiation.

(b) If any such disagreement cannot be resolved by such negotiation within a period of three months from the commencement of the negotiation, the disagreement shall be submitted to arbitration by an arbitral body whose composition and procedure shall be determined by agreement between the Contracting Parties.

(c) The decision of the arbitral body shall be given in accordance with the fundamental principles and spirit of the present Convention and shall be accepted as final and binding.

Article 11

(a) The present Convention shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Secretary-General of the Brussels Treaty Permanent Commission.

(b) It shall enter into force between those signatories which have ratified it two months after the day on which the third instrument of ratification shall

have been deposited and shall enter into force for each of the other signatories on the first day of the month following that in which its instrument of ratification is deposited.

(c) The present Convention shall continue in force subject to the right of each Contracting Party to withdraw by giving notice to the Secretary-General which shall take effect six months after its receipt by him.

(d) The Secretary-General will inform the other signatories to the present Convention of the deposit of each instrument of ratification and of each notice of withdrawal.

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed the present Convention and have affixed thereto their seals.

DONE at Paris, the 7th November 1949, in French and English, both texts being equally authoritative, in a single copy which shall be deposited in the archives of the Secretariat-General of the Brussels Treaty Permanent Commission and of which a certified copy shall be transmitted by the Secretary-General to each of the signatory Governments.

For the Government of Belgium :

P. VAN ZEELAND.

For the Government of the French Republic :

SCHUMAN.

For the Government of Luxembourg :

Jos. BECH.

For the Royal Netherlands Government :

D.-U. STIKKER.

For the Government of the United Kingdom
of Great Britain and Northern Ireland :

Ernest BEVIN.

SUPPLEMENTARY AGREEMENT¹ TO GIVE EFFECT TO THE CONVENTION ON SOCIAL AND MEDICAL ASSISTANCE SIGNED AT PARIS, ON 7 NOVEMBER 1949.² SIGNED AT BRUSSELS, ON 17 APRIL 1950

The Governments of Belgium, France, Luxembourg, the Netherlands and the United Kingdom of Great Britain and Northern Ireland ;

Being parties to the Treaty of Brussels signed on the 17th March, 1948 ;³

Desiring to give effect to Article 9 of the Convention on Social and Medical Assistance signed at Paris on the 7th November, 1949 (hereinafter referred to as "the Convention") ;

Have agreed as follows :

Article 1

(a) In accordance with Article 1 of the Convention, nationals of the Contracting Parties who are without sufficient means and who are lawfully residing in the territories of any of the above Parties may benefit by the medical and social legislation concerning assistance, in particular assistance to :

the sick in mind or body,

the old,

the infirm or incurable,

women during pregnancy, confinement or the nursing period,

children.

(b) The legislative measures regarding such assistance which are in force at the present time in the territories of each of the Contracting Parties are set out in Annex 1.

Article 2

(a) The term "nationals and persons treated as nationals" used in the Convention means, in relation to any Contracting Party, the persons treated by it as such for the purpose of its assistance legislation. These persons are listed in Annex II.

(b) Proof of the nationality of the person concerned shall be determined according to the regulations on this matter prescribed by the legislation of his country of origin.

¹ Came into force in respect of Belgium, the United Kingdom of Great Britain and Northern Ireland and the Netherlands on 27 April 1951, and in respect of France and Luxembourg on 1 May 1951 and 1 February 1952, respectively, in accordance with article 17.

² See p. 4 of this volume.

³ United Nations, *Treaty Series*, Vol. 19, p. 51.

Article 3

(a) Residence by an alien in the territory of any of the Contracting Parties shall be considered lawful within the meaning of the Convention as from the issue of the first permit to reside in the said territory, even if such permit is of temporary validity. Residence shall be considered unlawful from the date of any deportation order made out against the person concerned, unless a stay of execution is granted.

(b) Failure to renew the residence permit, if due to the inadvertance of the person concerned, will not cause him to cease to be entitled to assistance except where the competent authorities of the country of residence do not consider that the residence of the person concerned should be treated retrospectively as lawful.

(c) Conversely, the lawful possession of a document certifying the issue of a permit to reside in the territory of any of the Contracting Parties will not avail to prevent repatriation unless the alien has in fact fulfilled the condition of habitual and continuous residence in the said territory.

Article 4

The commencing date of the period of five or ten years residence laid down in Article 4 of the Convention shall in each country be established, in the absence of evidence to the contrary, on the basis of evidence supplied by official investigation or by documents recognised by the law of the country as affording proof of residence. These documents are listed in Annex III.

Article 5

Since residence must be continuous, proof of this continuity may be shown by the production of any evidence acceptable in the country of residence and in particular by proof of occupational activity, the production of rent receipts, etc.

Article 6

Residence shall be regarded as continuous, notwithstanding periods of absence which are :

of short duration,

occasional,

undertaken without any intention by the person concerned to settle down in the country he is visiting.

Article 7

Where the person concerned has resided at intervals in the territory of the Contracting Party from which he is claiming assistance, the date of commencement of residence as laid down in Article 4 of the Convention will be the date when the person concerned last took up residence in the said territory.

Article 8

There shall be excluded in the calculation of length of residence periods during which the person concerned has been in receipt of assistance from public monies as laid down in the legislative measures mentioned in Annex I, except in the case of medical treatment for acute illness of short-term medical treatment.

Article 9

Consular Officials of the Contracting Parties shall make available to the responsible administrative bodies any information deemed suitable to facilitate enquiries and to establish the evidence required for the purposes of the present Agreement.

Article 10

The Contracting Parties undertake to help each other to recover the cost of assistance payments from persons who are legally liable to contribute towards the cost of maintenance of the assisted person, and who are in a position to do so, in whole or in part.

Article 11

(a) The Contracting Parties agree not to have recourse to repatriation except in the greatest moderation and then only in those cases where there is no objection on humanitarian grounds.

(b) Particular consideration will be given to the family ties and to close associations which may bind the interested person to the country of residence.

(c) In the same spirit, the Contracting Parties agree that repatriation should cover the husband or wife and children of the assisted person.

Article 12

(a) The Contracting Party which is requested to accept the repatriation of an assisted person may not refuse to do so on the grounds that nationality is not established, if the assisted person has in his possession either a passport of the nationality concerned issued to him by an administrative authority of that Party, or a certificate of registration issued to him by a diplomatic or consular agent of that Party which states specifically that the bearer is a national of the said Contracting Party.

(b) In the absence of such evidence, and if the country of origin does not acknowledge that the assisted person is a national of that country, the grounds of disclaimer must be forwarded to the country of residence within thirty days.

Article 13

(a) When repatriation is decided upon, the diplomatic or consular authorities of the country of origin will be advised (if possible three weeks in advance) of the repatriation of their national.

(b) The authorities of the country of origin will duly inform the authorities of the country, or countries, of transit.

(c) The Notice of Repatriation (form attached to Annex IV) will state the day, the time, and the place where the assisted person will be handed over, the strength of the escort necessary, and the means of transport necessitated by his state of health.

(d) The centres for handing over such persons will be decided by arrangements between the competent authorities of the country of residence and the country of origin.

Article 14

(a) The competent administrative authorities of the country of residence and the diplomatic and consular authorities of the country of origin may enter into direct correspondence for the purpose of carrying out the provision of the Convention and of the present Agreement.

(b) The competent central administrative authorities may also correspond direct with one another in the application of the present Agreement.

Article 15

The Contracting Parties will notify each other, through the diplomatic channel, and will also inform the Secretary-General of the Brussels Treaty Permanent Commission, of any subsequent amendment to internal legislative measures affecting Annexes I, II and III which show the laws and regulations in force.

Article 16

Any disagreement between two or more of the Contracting Parties arising out of the interpretation or implementation of the present Agreement shall be resolved in accordance with the procedure laid down in Article 10 of the Convention.

Article 17

The present Agreement shall, with respect to each Contracting Party, enter into force on the same date and remain in force for the same period as the Convention.

Article 18

The Contracting Parties may, by bilateral arrangement, take interim measures to deal with cases in which assistance was granted prior to the entry into force of the Convention and of the present Agreement.

Article 19

The Governments of Belgium, France, Luxemburg and the Netherlands will take the necessary measures to repeal, on the date on which the Convention enters into force :

the Reciprocal Assistance Convention, signed on 30th November, 1921, between Belgium and France ;¹

the Reciprocal Assistance Convention, signed on 4th January, 1923, between France and Luxemburg ;

the Reciprocal Assistance Convention, signed on 17th July, 1923, between Belgium and Luxemburg ;²

the Reciprocal Assistance Convention, signed on 15th May, 1936, between Belgium and the Netherlands. ³

IN WITNESS WHEREOF the undersigned, duly authorised by their respective Governments, have signed the present Agreement.

DONE at Brussels, this 17th day of April, 1950, in English and French, both texts being equally authoritative, in a single copy which shall be deposited in the archives of the Secretariat-General of the Brussels Treaty Permanent Commission and of which a certified copy shall be transmitted by the Secretary-General to each of the signatory Governments.

For the Government of Belgium :

(Signed) Paul VAN ZEELAND

For the Government of the French Republic :

(Signed) SCHUMAN

For the Government of Luxemburg :

(Signed) Jos. BECH

For the Royal Netherlands Government :

(Signed) STIKKER

For the Government of the United Kingdom of Great Britain and Northern Ireland :

(Signed) E. SHINWELL

¹ League of Nations, *Treaty Series*, Vol. XXVII, p. 173.

² League of Nations, *Treaty Series*, Vol. XXVII, p. 235.

³ League of Nations, *Treaty Series*, Vol. CLXXIX, p. 41.

ANNEX I

List of legislative measures regarding assistance referred to in Article 1

Belgium

Law of 27th November, 1891, concerning Public Assistance, amended by the laws dated 14th June, 1920, and 8th June, 1945.

France

Law of 15th July, 1893 (Free Medical Assistance).

Regulation of 31st October, 1945 (Anti-Tuberculosis Campaign).

Law of 30th June, 1838 (Assistance for the Insane).

Law of 14th July, 1905 (Assistance for the old, the infirm and the incurable).

Law of 2nd August, 1949 (Assistance for the blind and the seriously disabled in the part dealing with assistance and retraining).

Decree of 29th July, 1939, as amended (Assistance to Families).

Law of 14th April, 1943 (Assistance for young children).

Luxemburg

Law of 28th May, 1897, about settlement ("sur le domicile de secours").

Law of 7th August, 1923, rendering compulsory the training of the blind and the deaf and dumb.

Netherlands

Law of 27th April, 1912, concerning distressed persons.

*United Kingdom of Great Britain and Northern Ireland**1. Great Britain*

National Assistance Act, 1948.

National Health Service Acts, 1946 and 1949.

National Health Service (Scotland) Acts, 1947 and 1949.

2. Northern Ireland

National Assistance Act (Northern Ireland), 1948.

Welfare Service Act (Northern Ireland), 1949.

Health Services Act (Northern Ireland), 1948.

Mental Health Act (Northern Ireland), 1948.

Public Health (Tuberculosis) Act (Northern Ireland), 1946.

ANNEX II

List of persons regarded as "nationals or persons treated as nationals" within the meaning of the Convention

Belgium

Nationals of Belgium and of the Belgian Congo.

France

Nationals of Metropolitan France, of the Départements of Algeria and of the Overseas Départements and Territories ("de nationalité française").

Luxemburg

Persons having Luxemburg nationality ("de nationalité luxembourgeoise").

Netherlands

Persons having Netherlands nationality ("Netherlands nationality").

United Kingdom of Great Britain and Northern Ireland

Citizens of the United Kingdom and Colonies.

NOTE. Terms placed in inverted commas reproduce the wording used on passports etc.

ANNEX III

List of documents recognised as affording proof of residence referred to in Article 4

Belgium

Alien's Identity Card, or extract from the Register of Aliens, or from the Population Register.

France

Alien's "carte de séjour".

Luxemburg

Alien's Identity Card.

Netherlands

Extract from the Register of Aliens or from the Population Register.

United Kingdom of Great Britain and Northern Ireland

Extract from record in the Central Register of Aliens or endorsement in the passport or travel document of aliens.

ANNEX IV (a)

Notice of Repatriation

(This Notice provided for in Article 13 of the Supplementary Agreement to give effect to the Convention on Social and Medical Assistance signed on 7th November, 1949, by the five countries signatory to the Brussels Treaty must, if possible, reach the diplomatic or consular authorities of the country of origin *three weeks* before the date fixed for the repatriation.)

1. Surname and Christian names of the assisted person :
2. Date of birth of the assisted person :
3. Place of birth :
4. Country of origin :
5. Present address of assisted person :
6. Names of parents :
7. Place and date of birth of father and mother of the assisted person :

8. Civil status (unmarried, married or divorced) :
9. If the assisted person is married ; place and date of marriage and, if later divorced, of the divorce :
10. Name and Christian names of husband (or wife) :
11. Place and date of birth of husband (or wife) :
12. Children : names, dates and places of birth :
13. Documents establishing the nationality of the assisted person (passport No..... issued at on by or certificate of registration) :
14. The assisted person has been living in the country of residence since¹ :
15. Nature of the assistance granted to the assisted person² :
16. Amount of assistance granted (monthly allowance in the home or daily cost at a hospital or similar institution) :
17. Material conditions in which the assisted person must travel :
 - sitting
 - lying down
 - accompanied by nurses
18. State the day, time and place of handing over of the assisted person :
19. Does repatriation apply to the husband (or wife) and children of the assisted person ? If so, state the number of persons to be repatriated :
20. Information about the financial resources of the assisted person and the persons obliged to supply him with sustenance :
21. Brief statement of reasons for repatriation :
22. Has the assisted person given his consent ?
23. Has the assisted person any family connections in the country ?

At on
 (Seal and signature of Authority
 requesting repatriation)

ANNEX IV (b)

Notice of Transit of Indigent Person

(To be completed by the authorities of the country of origin and forwarded to the authorities of the transit countries.)

(This Notice, provided for in Article 13 of the Supplementary Agreement to give effect to the Convention on Social and Medical Assistance signed on 7th November, 1949, by the five countries signatory to the Brussels Treaty, must, if possible, reach the diplomatic or consular authorities of the transit countries *one week* before the date fixed for the person being repatriated to cross the country in question.)

¹ The period of residence must be less than 5 years if the assisted person entered the country of residence before reaching the age of 55, and less than 10 years if he entered it after reaching this age. In the case of minors under 16, it will be sufficient if the father, mother, guardian or person in charge of the child fulfils these conditions of residence.

² In the case of a sick person (in hospital, sanatorium, psychiatric hospital) or an infirm or incurable person, a detailed medical certificate should be attached, stating whether the assisted person can be moved, the nature of his illness and its probable duration.

1. Surname and Christian names of the assisted person :
2. Date of birth of the assisted person :
3. Coming from :
4. Going to :
5. State of health of the assisted person :
 - physical illness
 - mental illness
 - tubercular¹
6. Material conditions in which the assisted person must travel :
 - sitting
 - lying down
 - accompanied by nurses¹

If the assisted person is accompanied by husband or wife state :

7. Name and Christian names of husband (or wife) :
8. Place and date of birth of husband (or wife) :

If the assisted person is accompanied by his children state :

9. Surname and Christian names, dates and places of birth of the children in question :
10. Documents establishing the nationality of the assisted person (passport No. issued at on by or certificate of registration) :
11. State the day, time and place of handing over the assisted person :

At on

(Seal and signature of the competent authority of the country of origin)

ANNEX IV (c)

Receipt of Notice of Repatriation

(To be completed by the authorities of the country of origin and returned to the authorities of the country of residence.)

Sent by Government
 To the Government
 On
 Concerning
 Who will be handed over on
 At the railway station at(time)
 Accompanied by²
 Assisted by³
 Material conditions in which the assisted person must travel :

- sitting
- lying down
- accompanied by nurses¹

DONE at on

(Seal and signature of the competent authority of the country of origin)

¹ Cross out words which do not apply.

² Husband, wife, children.

³ Where necessary, number of nurses.