

**No. 2000**

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**DENMARK  
and  
FRANCE**

**General Convention on Social Security. Signed at Paris,  
on 30 June 1951**

**Protocol on the old-age allowance for employees and the  
temporary old-age allowance under French legisla-  
tion. Signed at Paris, on 30 June 1951**

*Official texts: Danish and French.*

*Registered by Denmark on 19 December 1952.*

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**DANEMARK  
et  
FRANCE**

**Convention générale sur la sécurité sociale. Signée à Paris,  
le 30 juin 1951**

**Protocole relatif à l'allocation aux vieux travailleurs sala-  
riés et à l'allocation temporaire aux vieux de la légis-  
lation française. Signé à Paris, le 30 juin 1951**

*Textes officiels danois et français.*

*Enregistrés par le Danemark le 19 décembre 1952.*

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

No. 2000. GENERAL CONVENTION<sup>3</sup> BETWEEN DENMARK  
AND FRANCE ON SOCIAL SECURITY. SIGNED AT  
PARIS, ON 30 JUNE 1951

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HIS MAJESTY THE KING OF DENMARK  
and

THE PRESIDENT OF THE FRENCH REPUBLIC,

desirous of guaranteeing the benefits of the laws on social security in force in Denmark and France 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 :

His Majesty the King of Denmark :

His Excellency Mr. EJNAR WAERUM, Ambassador Extraordinary and  
Plenipotentiary of Denmark to France;

The President of the French Republic :

Mr. PAUL BACON, Minister of Labour and Social Security,

Mr. JEAN SERRES, Director of Social Affairs in the Ministry of Foreign  
Affairs,

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

## TITLE I. GENERAL PROVISIONS

### *Article 1*

1. Subject to the provisions of this Convention, Danish and French nationals shall be covered by the social security legislation set out in article 2 of this Convention applying in France and Denmark respectively, and shall enjoy the benefits thereof on the same conditions as the nationals of each country.

2. Danish and French nationals who remove from Denmark to France, but do not in the latter country fulfil the conditions for becoming compulsorily insured, shall be entitled, subject to the provisions of this Convention, to claim

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<sup>1</sup> With the exception of the preamble, the text of this Convention is a translation made by the International Labour Office (International Labour Office, *Legislative Series*, November-December 1953).

<sup>2</sup> A l'exception du préambule, ce texte est une traduction de la Convention faite par le Bureau international du Travail (Bureau international du Travail, *Série législative*, novembre-décembre 1953).

<sup>3</sup> Came into force on 1 October 1952 in accordance with the terms of article 34, the instruments of ratification having been exchanged at Copenhagen on 30 September 1952.

admission to the French voluntary insurance scheme for the risks against which they were insured in Denmark, on the same conditions and within the same time limits as employed persons who cease to be covered by French compulsory insurance.

The said time limits shall run as from the date of arrival in France or the date on which the person ceases to be covered by Danish legislation, if the second date is later.

### *Article 2*

1. The social security legislation to which this Convention applies is as follows :

(1) In Denmark, the legislation on—

- (a) sickness insurance and maternity and death benefit;
- (b) invalidity insurance;
- (c) old-age pensions;
- (d) insurance against employment injuries;
- (e) unemployment insurance;
- (f) assistance for orphans and children of widows and widowers.

(2) In France—

- (a) the legislation governing the organisation of social security;
- (b) the general legislation governing the social insurance system applying to insured persons in non-agricultural occupations and concerning insurance against sickness, invalidity, old age, death, and the covering of maternity expenses;
- (c) the social insurance legislation applying to employed persons and persons treated as employed persons in agricultural occupations and concerning the covering of the same risks and expenses;
- (d) the legislation establishing an old-age allowance for persons other than employed persons;
- (e) the family benefits legislation;
- (f) the legislation on the prevention of, and compensation for, employment injuries;
- (g) the special social security schemes in so far as they relate to the risks or benefits covered by the legislation listed in the preceding paragraphs (in particular, the social security scheme for seafarers);
- (h) the legislation respecting assistance for unemployed workers.

2. This Convention shall also apply to all existing and future legislative and administrative enactments amending or supplementing the legislation listed in section 1 of this article :

Provided that it shall not apply—

- (a) to legislative or administrative enactments covering a new branch of social security unless the contracting countries make an arrangement to that effect;

- (b) to legislative or administrative enactments extending the existing schemes to new categories of beneficiaries, unless the Government of the country concerned does not object to the Government of the other country within three months from the date of official publication of the enactment.

### Article 3

1. Danish and French employed persons or persons treated as such whose normal place of residence is in Denmark and who are employed temporarily in France by an undertaking having an establishment in Denmark to which they normally belong shall continue to be covered by the legislation on sickness and employment injury insurance in force in Denmark, if the probable duration of their employment in France does not exceed six months. If the said employment is prolonged for unforeseen reasons beyond the period originally intended and exceeds six months, the legislation on sickness and employment injury insurance in force in Denmark may continue to apply by way of exception with the agreement of the competent French authorities.

2. Danish and French employed persons or persons treated as such whose normal place of residence is in France and who are employed temporarily in Denmark by an undertaking having an establishment in France to which they normally belong shall continue to be subject to the social security legislation in force in France, if the probable duration of their employment in Denmark does not exceed six months. If the said employment is prolonged for unforeseen reasons beyond the period originally intended and exceeds six months, the social security legislation in force in France may continue to apply by way of exception with the agreement of the competent Danish authorities.

3. Persons who are attached to transport undertakings in one of the contracting countries and are employed in the traffic departments (travelling personnel) of such undertakings shall be subject only to the provisions in force in the country where the undertaking has its principal place of business :

Provided that travelling personnel in maritime and air transport undertakings shall be subject to the provisions of the legislation of the country where the ship or aircraft is registered.

4. Diplomatic and consular officers *de carrière*, including chancellery officials and employees or persons treated as such in official administrative services posted from one of the contracting countries to the other country, shall be subject to the provisions in force in the sending country.

5. The supreme administrative authorities of the contracting States may by mutual agreement exclude, in cases other than those mentioned in the preceding section of this article, certain categories of French or Danish nationals from the application of the social security legislation of the country where they are resident.

## TITLE II. SPECIFIC PROVISIONS

## CHAPTER I. INSURANCE AGAINST SICKNESS, MATERNITY AND DEATH BENEFITS

*Article 4*

1. Danish and French nationals covered in France by compulsory or voluntary insurance in respect of sickness, maternity or death who take up residence in Denmark may, irrespective of age, apply for membership of the Danish State-approved sick funds (including continuation funds) and thereby be entitled, together with their dependants resident in Denmark, to the benefits under the legislation and rules of the funds, if they fulfil the requirements for obtaining such benefits under Danish legislation when the insurance periods completed successively in France and Denmark are added together, ignoring the period between the date on which they left the French insurance scheme and the date on which they entered the Danish insurance scheme.

With respect to sickness insurance, it shall be a further condition that the disease developed after the person's admission to the Danish sick fund.

2. Danish and French nationals belonging to a Danish State-approved sick fund who take up residence in France and are insured under a compulsory or voluntary scheme in the latter country shall be entitled, together with their dependants resident in France, to the benefits in respect of sickness, maternity and death provided under French legislation, if they fulfil the requirements for benefit under French legislation when the insurance periods completed successively in Denmark and in France are added together, ignoring the period between the date on which they left the Danish insurance scheme and the date on which they entered the French insurance scheme.

With respect to sickness insurance, it shall be a further condition that the disease developed after the person's admission to the French insurance scheme.

*Article 5*

An arrangement between the supreme administrative authorities of the contracting countries shall prescribe the manner of giving effect to the provisions of article 4, including the time within which a Danish or French national covered by compulsory or voluntary sickness, maternity and death insurance in France who removes from France to Denmark must become a member of a Danish sick fund, and the time within which a Danish or French national belonging to a Danish sick fund who removes from Denmark to France must join compulsory or voluntary insurance sickness, maternity and death insurance in France.

## CHAPTER II. INVALIDITY BENEFITS

*Article 6*

Danish nationals shall receive invalidity benefits in France on the same conditions as French nationals.

French nationals shall in Denmark receive the benefits under the Danish legislation respecting invalidity on the same conditions as Danish nationals, subject to the requirement that they have completed at least one year of uninterrupted residence in Denmark immediately before applying for an invalidity pension and during the said period have been physically and mentally fit to carry on a normal gainful occupation.

*Article 7*

An administrative arrangement may be made to prescribe the manner in which the social security authorities and bodies of the two contracting countries shall afford each other assistance in supervising in specified cases the payment of invalidity pensions to Danish and French nationals who remove from one of the contracting countries to the other.

CHAPTER III. OLD-AGE PENSIONS

*Division I. Equality of Rights*

*Article 8*

Danish nationals shall be covered in France by French old-age insurance legislation and shall be entitled to benefit under the said legislation on the same conditions as French nationals.

*Article 9*

French nationals shall be covered in Denmark by the legislation on old-age pensions and shall be entitled to benefit under the said legislation on the same conditions as Danish nationals if—

- (a) they are resident in Denmark;
- (b) they have completed five years of uninterrupted residence in Denmark immediately before claiming an old-age pension: Provided that periods of temporary absence shall be disregarded.

*Division II. Persons Resident in Denmark*

*Article 10*

The French social security institutions shall pay to the Danish Government the pension to which each Danish or French national resident on Danish territory is entitled under the French legislation and this Convention.

The Danish Government undertakes—

- (a) to pay to Danish and French nationals not entitled to an old-age pension under Danish legislation the pension paid by the French social security institutions;

- (b) to pay any amount by which the pension paid by the French institutions exceeds the Danish old-age pension.

#### *Article 11*

1. The pension entitlement of Danish or French nationals under French legislation shall be ascertained by aggregating the insurance periods in France, any equivalent periods under existing French legislation, and the periods of residence in Denmark, in so far as the various periods do not overlap :

Provided that—

- (a) periods of residence in Denmark shall only be credited if they took place after the eighteenth birthday of the person concerned, and the total amounts to five years;
- (b) in the case of Danish nationals, insurance periods completed in France shall only be credited if they amount to a total of five years or more or the person concerned shows that he has been resident in France for five years.

2. For the purpose of assessing the pensions payable under French legislation and this Convention, periods of residence in Denmark shall be counted as periods of insurance under the French scheme to which the person belonged at the date of claiming a pension or the scheme to which he last belonged before the said date.

In a case where the scheme in question is a special social security scheme for non-agricultural occupations, all periods of residence in Denmark shall be counted as periods of insurance under the general social security scheme.

3. Where the person has not been insured in France for one complete year in the last ten years taken into consideration for assessing the pension under this article, the assessment shall be based on the last year's wages or income of the person in Denmark, and shall be carried out in the manner laid down by an administrative arrangement, subject to the proviso that the last wage or income is not less than the last wage or income in France.

#### *Article 12*

The pension payable by the French institutions, as assessed under French legislation in respect of all the periods referred to in article 11, shall be reduced in appropriate cases to an amount corresponding to the ratio between the total duration of the insurance periods in France and the total duration of the periods taken into account for entitlement to the benefit.

### *Division III. Persons Resident in France*

#### *Article 13*

1. Danish and French nationals resident in France shall be entitled to a pension fixed in accordance with article 11 and paid by the French social security institutions :

Provided that the pension referred to in this article shall not be payable to Danish nationals unless they have completed five years of insurance in France or show that they have been resident in France for five years without interruption up to the date of claiming a pension (temporary absences being disregarded).

2. If the person has no period of insurance in France, periods of residence in Denmark shall be counted as periods of insurance with the general social security scheme.

#### *Article 14*

The Danish Government shall refund to the French social security institutions such part of the pension as corresponds to the ratio between the total duration of the periods of residence in Denmark and the total duration of the periods taken into consideration for entitlement to the pension, even where the latter period exceeds the period required for obtaining the maximum French pension.

For the purposes of this article, periods of residence in Denmark which can likewise be counted as insurance periods in France shall not be counted as periods of residence in Denmark.

#### *Article 15*

If the person has less than five years of compulsory insurance in France and, in the course of any one year, has had in addition to the pension an income exceeding the rate of the allowance for aged employed persons in the Paris region, 60 per cent of the excess shall be deducted from the pension, so however that deduction shall not reduce the pension to less than the amount chargeable to the French social security institutions.

#### *Article 16*

If the recipient of a pension assessed under article 13 leaves French territory, the French social security institutions shall only be liable for payment of a reduced pension, fixed in accordance with the provisions of article 12.

Where the person removes to a country other than Denmark, the reduced pension under the preceding paragraph shall not be less than the pension which would have been payable under French legislation if periods of residence in Denmark were disregarded.

### *Division IV. Miscellaneous Provisions*

#### *Article 17*

For the purposes of article 10 (b), an administrative arrangement shall specify the factors to be taken into account in fixing the Danish old-age pension.

*Article 18*

The provisions of articles 8 to 17 shall also apply as regards the assessment and payment of survivors' pensions.

*Article 19*

The allowance concurrent with wages and the special grant prescribed in the special French legislation for mineworkers shall be payable only to persons employed in French mines.

## CHAPTER IV. EMPLOYMENT INJURIES

*Article 20*

1. Nationals of the contracting countries shall not be subject to the provisions in the employment injury legislation which restrict the rights of aliens or deny them rights on the sole ground of their residence in the other country.

2. The competent administrative authorities of the contracting countries shall by agreement prescribe rules for any application of the employment injury to nationals of one of the contracting countries who are imprisoned in the other country.

*Article 21*

Any increases or supplements which are or may be awarded in addition to employment injury compensation under the legislation in each contracting country shall continue to be paid to persons covered by article 20 who remove from one country to the other.

*Article 22*

If a worker who has been awarded compensation in respect of an occupational disease in one of the contracting countries claims compensation for a disease of the same nature under the legislation for his new place of employment in the other country, he shall be required to make a declaration to the appropriate institution in the latter country concerning the benefits and compensation already received in respect of the same disease.

The institution responsible for providing the new benefits and compensation shall take into account the earlier benefits as if they had been paid by it.

*Article 23*

An administrative arrangement shall prescribe the manner in which the social security authorities and institutions of the two contracting countries shall afford each other assistance in supervising the conditions of payment of benefits under the employment injury legislation to Danish or French nationals who remove from one country to the other.

## CHAPTER V. FAMILY ALLOWANCES

*Article 24*

Family allowances shall be paid in Denmark and in France to French and Danish nationals on the same conditions as to nationals of the country of residence, as from the date on which the persons concerned take up permanent residence in the country.

## TITLE III. MISCELLANEOUS PROVISIONS

## CHAPTER I. ADMINISTRATIVE CO-OPERATION

*Article 25*

The social security authorities and institutions of the two contracting countries shall afford each other assistance to the same extent as would be appropriate in the administration of their own social security provisions.

*Article 26*

1. The exemptions from registration fees, court fees, stamp duty and consular fees authorised in the legislation of one contracting country in respect of documents to be produced to authorities and social security bodies in that country shall be extended to the corresponding documents to be produced for the purposes of this Convention to the authorities and social security bodies of the other country.

2. All documents to be produced for the purposes of this Convention shall be exempt from legalisation by the diplomatic and consular authorities.

*Article 27*

The communications sent for the purposes of this Convention by persons covered by this Convention to institutions and civil and judicial authorities of either contracting country in matters of social security shall be written in the official language of one or other of the countries.

*Article 28*

Appeals that are required to be lodged within a fixed time with an authority or institution competent to accept appeals in matters of social security in one of the contracting countries shall be deemed to have been validly made if they are lodged within the same time with a corresponding authority or institution in the other country. In such cases, the latter authority or institution shall without delay transmit the appeal to the appropriate institution.

*Article 29*

1. The supreme administrative authorities of the contracting States shall determine between themselves the detailed rules required for the implementation of this Convention in so far as agreed rules are necessary.

The said administrative authorities shall inform each other in due course of all amendments to the legislation or regulations in their countries which affect the schemes listed in article 2.

2. The competent authorities or services in each of the contracting countries shall inform each other of the further measures taken in their respective countries for the implementation of this Convention.

*Article 30*

A supplementary agreement embodying the principles of this Convention shall prescribe such special rules as are required for seafarers.

## CHAPTER II. FURTHER PROVISIONS

*Article 31*

If provision is made in either contracting country for the placing of restrictions upon the exchange of foreign currency, arrangements shall be made without delay by agreement between the two Governments for the reciprocal transfer of the sums due, in accordance with the provisions of this Convention.

*Article 32*

Nothing in this Convention shall in any way invalidate the rules of the schemes mentioned in article 2 for the participation of insured persons in the elections connected with the administration of social security.

*Article 33*

1. All difficulties in connection with the application of this Convention shall be resolved by agreement between the supreme administrative authorities of the contracting States.

2. Where it is impossible to reach a solution by this means, the disagreement shall be settled by arbitration in accordance with a procedure to be arranged by the two Governments. The arbitral body shall settle the dispute in accordance with the fundamental principles and spirit of this Convention.

*Article 34*

1. This Convention shall be ratified and the instruments of ratification shall be exchanged in Copenhagen as soon as possible.

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

3. Benefits which had been suspended under the provisions in force in one of the contracting countries because the beneficiaries were residing abroad shall be payable as from the first day of the month following the coming into force of this Convention. Benefits which could not be awarded to beneficiaries for the same reason shall be awarded and paid as from the same date.

This section shall only apply if the claims are made within one year from the date on which this Convention comes into force.

4. In the case of Danish or French nationals who were awarded old-age pensions prior to the coming into force of the General Convention, the pensions shall be reviewable on application by the persons concerned.

Such review shall have the effect of granting to the recipients, as from the first day of the month following the coming into force of this Convention, the same rights as if the Convention had been in force at the time of the award of the pension :

Provided that no review shall take place if a lump sum has been paid in settlement of rights previously assessed.

5. For the purposes of article 11 of this Convention, no account shall be taken of periods of residence in Denmark subsequent to 1 July 1930.

#### *Article 35*

1. This Convention is concluded for one year. It shall continue in force from year to year unless notice of termination is given three months before the expiration of the period.

2. If notice of termination is given, the provisions of this Convention shall continue to apply to rights already acquired, notwithstanding any restrictive provisions in the schemes concerned for cases where a person receiving benefit resides abroad.

3. As regards rights in process of acquisition in respect of insurance periods completed prior to the date when this Convention ceases to be in force, the provisions of this Convention shall continue to apply, subject to conditions to be laid down in the supplementary agreements.

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

DONE in duplicate, at Paris, on 30 June 1951.

(Signed) E. WAERUM

(Signed) Paul BACON

(Signed) Jean SERRES

[TRANSLATION — TRADUCTION]

PROTOCOL<sup>1</sup> ON THE OLD-AGE ALLOWANCE FOR EMPLOYEES AND THE TEMPORARY OLD-AGE ALLOWANCE UNDER FRENCH LEGISLATION. SIGNED AT PARIS, ON 30 JUNE 1951

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On signing the General Convention on Social Security of today's date, the High Contracting Parties have agreed on the following provisions :

1. (a) The old-age allowance for employees shall be granted under the conditions laid down for French employees by the legislation respecting the old-age allowance for employees to all aged Danish employees without adequate means who have completed not less than five years of uninterrupted residence in France at the date of the application. Temporary absence shall not be taken into account.

(b) The temporary old-age allowance shall be granted under the same conditions as for French aged persons to Danish aged persons without adequate means who have completed not less than five years of uninterrupted residence in France at the date of the application. Temporary absence shall not be taken into account.

(c) The old-age allowance for employees and the temporary old-age allowance granted under the conditions set out in paragraphs (a) and (b) shall cease to be paid to beneficiaries of Danish nationality who leave French territory.

2. The present Protocol shall enter into force at the same time as the General Convention on Social Security.

DONE in duplicate, at Paris, on 30 June 1951.

E. W.

P. B.  
J. S.

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<sup>1</sup> Came into force on 1 October 1952, in accordance with article 2.