

No. 4428

**ITALY
and
FRANCE**

Agreement respecting the application in advance of certain provisions of the European Convention on Social Security for Migrant Workers. Signed at Rome, on 27 March 1958

Administrative Arrangement No. 1 for the application of the above-mentioned Agreement. Signed at Rome, on 27 March 1958

Official text: French.

Registered by Italy on 14 July 1958.

**ITALIE
et
FRANCE**

Accord sur l'application anticipée de certaines dispositions de la Convention européenne concernant la sécurité sociale des travailleurs migrants. Signé à Rome, le 27 mars 1958

Arrangement administratif n° 1 relatif à l'application de l'Accord susmentionné. Signé à Rome, le 27 mars 1958

Texte officiel français.

Enregistrés par l'Italie le 14 juillet 1958.

[TRANSLATION — TRADUCTION]

No. 4428. AGREEMENT¹ BETWEEN ITALY AND FRANCE
RESPECTING THE APPLICATION IN ADVANCE OF
CERTAIN PROVISIONS OF THE EUROPEAN CONVEN-
TION ON SOCIAL SECURITY FOR MIGRANT WORKERS.
SIGNED AT ROME, ON 27 MARCH 1958

The Italian Government and the French Government,

Noting that the European Convention on Social Security for Migrant Workers, signed on 9 December 1957, has brought about considerable progress in the protection of migrant workers and their families;

Desiring to improve, without awaiting the entry into force of the European Convention, the circumstances of families residing in either country whose head is employed in the other, and that of pensioners who travel from one country to the other and of their families;

Considering that an improvement may be brought about by the application in advance between Italy and France of the provisions of articles 20, 21, 22, 23, 40, 48 and 53, paragraphs 6 and 7, of the European Convention on Social Security for Migrant Workers;

Desiring, furthermore, to make transitional arrangements in favour of workers of either country who are already employed in the other,

Have agreed as follows :

Article 1

The provisions of articles 20, 21, 22, 23, 40, 48 and 53, paragraphs 6 and 7, of the European Convention on Social Security for Migrant Workers, signed on 9 December 1957, are hereby made applicable between France and Italy with respect to French and Italian nationals.

Article 2

With respect to workers who have been employed in France for less than two years on the date of the entry into force of this Agreement the time-limit prescribed in article 20, paragraph 2, of the European Convention shall be reckoned from the said date.

Article 3

Family allowances which are due, under the terms of article 40 (1) and (2) of the European Convention, in respect of children residing in Italy shall not

¹ Came into force on 1 April 1958, in accordance with article 4 of this Agreement and article 25 of the Administrative Arrangement No. 1.

be lower than the family benefits which would be due under the terms of the Arrangement of 13 November 1954, as amended by the various additional agreements signed on 22 February 1955, 29 June 1956 and 28 December 1956.¹

Article 4

The date of the entry into force of this Agreement and the procedure for the application thereof shall be regulated by an Administrative Arrangement.²

Article 5

This Agreement shall have effect until the date of entry into force of the European Convention on Social Security for Migrant Workers, unless during the intervening period either country refuses to ratify the said Convention, in which case this Agreement shall be deemed to be abrogated.

DONE at Rome on 27 March 1958.

For Italy :
FOLCHI

For France :
Gaston PALEWSKI

¹ United Nations, *Treaty Series*, Vol. 291, p. 203.

² See p. 415 of this volume.

ADMINISTRATIVE ARRANGEMENT No. 1¹ FOR THE APPLICATION OF THE AGREEMENT OF 27 MARCH 1958² BETWEEN ITALY AND FRANCE RESPECTING THE EUROPEAN CONVENTION ON SOCIAL SECURITY FOR MIGRANT WORKERS. SIGNED AT ROME, ON 27 MARCH 1958

CHAPTER I. — SITUATION OF FAMILIES RESIDING IN ITALY WHOSE HEADS ARE EMPLOYED IN FRANCE

SECTION I. — GENERAL PROVISIONS

Article 1

The family allowances to which workers employed in France shall be entitled in respect of their children residing in Italy shall be the family allowances properly so-called under the French system, provided that the amounts paid shall not exceed either the amount of the family allowances which would be granted in respect of such children under the Italian system if the worker was employed in Italy or the family benefits computed on the basis of the schedules contained in the Arrangement of 13 November 1954, as amended by the various additional agreements signed on 22 February 1955, 29 June 1956 and 28 December 1956.³

Article 2

For the purpose of paying the family allowances referred to in article 1 above, relations shall be established between the Italian centralizing body, the I.N.P.S., and the French centralizing authorities, namely :

- Caisse Nationale de Sécurité Sociale (National Social Security Fund);
- Caisse Autonome Nationale de la Sécurité Sociale dans les Mines (National Independent Fund for Social Security in the Mining Industry);
- Caisse Centrale d'Allocations Familiales Mutuelles Agricoles (Central Agricultural Mutual Family Allowance Fund).

Article 3

The adjustments required under the terms of article 1 shall be made by the competent French family allowance authority on the basis of the exchange rate on the last day of the last month but one preceding the month in question.

¹ Came into force on 1 April 1958, in accordance with article 25.

² See p. 411 of this volume.

³ United Nations, *Treaty Series*, Vol. 291, p. 203.

For that purpose, the I.N.P.S. shall transmit to the competent French centralizing authority documentary information on the family allowance rates applied in Italy to the various occupations; the competent French authority shall be notified of any subsequent change in the said rates.

Article 4

Beneficiary children in respect of whom family allowances are paid shall be those children who are deemed to be such under the French system of family benefits.

The French centralizing authorities shall provide the I.N.P.S. with documentary information on the conditions which the children must satisfy in order to establish entitlement to benefits under French law; the I.N.P.S. shall be notified of any subsequent change in the said conditions.

Article 5

The family allowances referred to in article 1 above shall be paid to the mother or as a subsidiary measure to the person who has actual responsibility for the children.

SECTION 2. — TECHNICAL PROCEDURE FOR APPLICATION

Article 6

1. A worker from Italy shall provide himself with :

(a) A certificate of his family situation issued by the office of the mayor in accordance with the regulation model;

(b) Any additional documents that may be required to establish that the children in question satisfy the conditions for entitlement to family allowances. These documents shall be valid only if they have been issued within the three months preceding the worker's arrival in France.

2. He shall submit to the competent Family Allowance Fund a request for family allowances, together with the supporting documents referred to in (a) and (b) of the preceding paragraph, stating :

- The name of the person to whom the family allowances are to be paid in Italy;
- The first names of the said person (and, where applicable, the maiden name);
- The exact address of the said person.

Article 7

If the individual concerned is unable to provide the competent Fund with the documents referred to in paragraph 1 (a) and (b) of the preceding article

or if the said documents prove to be incomplete, the French authority shall give notice thereof to the I.N.P.S., which shall take the necessary action to complete the file of the worker in question.

Article 8

The certificates of the family situation shall remain valid for a period of one year.

The certificate of the family situation shall be renewed during the month following the expiry of the first and second years of the worker's residence in France, reckoned from the date of the entry into force of this Arrangement.

Changes which occur in the worker's family situation during either of the years in question shall in no case be taken into account.

The French authorities shall indicate, in their monthly payment lists, those Italian workers with families whose certificates of family status are due for renewal.

Article 9

The competent French authorities shall pay the family allowances as soon as it becomes apparent from the file prepared in accordance with articles 6 and 8 above and from investigation of the worker's circumstances in France that entitlement to such allowances has been established.

SECTION 3. — FINANCIAL REGULATIONS

Article 10

Family allowances shall be paid monthly.

The disbursing authorities shall, with the least possible delay and within a period of not more than one month following the receipt of the required supporting documents, remit the amounts in francs to be transferred to the postal authorities, which shall ensure the global transfer thereof in lire to the credit of the I.N.P.S.

The I.N.P.S., to whose account the lire are thus credited, shall then pay the family allowances to the beneficiary families, whose names and addresses shall be transmitted in a list attached to each request for transfer.

The I.N.P.S. shall make all necessary arrangements to ensure that the said allowances are paid with the least possible delay and within a period of not more than one month following receipt of the list containing all the particulars necessary for the identification of the beneficiaries.

It shall verify the use made of such allowances if so requested by the competent French authority.

Article 11

The French disbursing authorities shall assume the cost of transferring the family allowances from France to Italy.

The I.N.P.S. shall assume the cost of paying the family allowances in Italy to the beneficiary families, but the latter shall assume the cost of the money orders.

Article 12

The I.N.P.S. shall open and maintain an account on behalf of each French disbursing authority. It shall close the books on such accounts at the end of each calendar year and report the results forthwith to the French centralizing authority which shall transmit them to the disbursing authorities.

For that purpose, the I.N.P.S. shall, at the end of each calendar year, transmit to the centralizing authorities the duplicate of the list sent to it each month, which it shall complete in the columns reserved for it by indicating the amount of the family allowances credited to it and the amount actually paid in lire. The amount by which the sums paid exceed or fall short of the sums credited, following investigation of the family situation of the workers concerned as reported by them, shall be entered in a special column.

CHAPTER II. — SITUATION OF FAMILIES RESIDING IN FRANCE WHOSE HEADS ARE EMPLOYED IN ITALY

SECTION 1. — GENERAL PROVISIONS

Article 13

The family allowances to which workers employed in Italy shall be entitled, in respect of their children residing in France shall be the family allowances properly so-called under the Italian system, provided that the amounts paid shall not exceed the amount of the family allowances which would be granted in respect of such children under the French system if the worker were employed in France.

Article 14

For the purpose of paying the family allowances referred to in article 13 above, relations shall be established between the Italian centralizing body, the I.N.P.S., and the French centralizing authority, the Caisse Nationale de Sécurité Sociale (National Social Security Fund).

Article 15

The adjustments required under the terms of article 13 shall be made by the I.N.P.S. on the basis of the exchange rate on the last day of the last month but one preceding the month in question.

For that purpose, the Caisse Nationale de Sécurité Sociale shall transmit to the I.N.P.S. documentary information on the family allowance rates applied

in France to the various occupations; the I.N.P.S. shall be notified of any subsequent change in the said rates.

Article 16

Beneficiary children in respect of whom family allowances are paid shall be those children who are deemed to be such under the Italian system of family benefits.

The I.N.P.S. shall provide the Caisse Nationale de Sécurité Sociale with documentary information on the conditions which the children must satisfy in order to establish entitlement to benefits under Italian law; the Caisse Nationale de Sécurité Sociale shall be notified of any subsequent change in the said conditions.

Article 17

The family allowances referred to in article 13 above shall be paid to the mother or as a subsidiary measure to the person who has actual responsibility for the children.

SECTION 2. — TECHNICAL PROCEDURE FOR APPLICATION

Article 18

1. A worker from France shall provide himself with :

(a) A certificate of his family situation issued by the competent French authorities;

(b) Any additional documents that may be required to establish that the children in question satisfy the conditions for entitlement to family allowances. These documents shall be valid only if they have been issued within the three months preceding the worker's arrival in Italy.

2. He shall submit to the provincial office of the I.N.P.S. which has jurisdiction over his place of employment a request for family allowances, together with the supporting documents referred to in (a) and (b) of the preceding paragraph, stating :

- The name of the person to whom the family allowances are to be paid in France;
- The first names of the said person (and, where applicable, the maiden name);
- The exact address of the said person.

Article 19

If the individual concerned is unable to provide the competent provincial office of the I.N.P.S. with the documents referred to in paragraph 1 (a) and (b)

of the preceding article or if the said documents prove to be incomplete, the I.N.P.S. shall give notice thereof to the Caisse Nationale de Sécurité Sociale which shall take the necessary action to complete the file of the worker in question.

Article 20

The certificates of the family situation shall remain valid for a period of one year.

The certificate of the family situation shall be renewed during the month following expiry of the first and second years of the worker's residence in Italy, reckoned from the date of the entry into force of this Arrangement.

Changes which occur in the worker's family situation during either of the years in question shall in no case be taken into account.

The provincial office of the I.N.P.S. shall indicate, in its monthly payment list, those French workers with families whose certificates of family situation are due for renewal.

Article 21

The competent provincial office of the I.N.P.S. shall pay the family allowances as soon as it becomes apparent from the file prepared in accordance with articles 18 and 20 above and from investigation of the worker's circumstances in Italy that entitlement to such allowances has been established.

SECTION 3. — FINANCIAL REGULATIONS

Article 22

Family allowances shall be paid monthly.

The Italian disbursing authorities shall, with the least possible delay and within a period of not more than one month following the receipt of the required supporting documents, remit the amounts in lire to be transferred to the postal authorities, which shall ensure the global transfer thereof in francs to the credit of the Caisse Nationale de Sécurité Sociale.

The Caisse Nationale de Sécurité Sociale, to whose account the francs are thus credited shall then pay the family allowances to the beneficiary families, whose names and addresses shall be transmitted in a list attached to each request for transfer.

The Caisse Nationale de Sécurité Sociale shall make all necessary arrangements to ensure that the said allowances are paid with the least possible delay and within a period of not more than one month following the receipt of the list containing all the particulars necessary for the identification of the beneficiaries.

It shall verify the use made of such allowances if so requested by the competent Italian authority.

Article 23

The I.N.P.S. shall assume the cost of transferring the family allowances from Italy to France.

The Caisse Nationale de Sécurité Sociale shall assume the cost of paying the family allowances in France to the beneficiary families, but the latter shall assume the cost of the money orders.

Article 24

The Caisse Nationale de Sécurité Sociale shall open and maintain an account on behalf of each provincial office of the I.N.P.S. It shall close the books on such accounts at the end of each calendar year and report the results forthwith to the I.N.P.S., which shall transmit them to the competent provincial offices.

For that purpose, the Caisse Nationale de Sécurité Sociale shall, at the end of each calendar year, transmit to the I.N.P.S. the duplicate of the list sent to it each month, which it shall complete in the columns reserved for it by indicating the amount of the family allowances credited to it and the amount actually paid in francs. The amount by which the sums paid exceed or fall short of the sums credited, following investigation of the family situation of the workers concerned as reported by them, shall be entered in a special column.

CHAPTER III. — FINAL PROVISION

Article 25

The Agreement of 27 March 1958 between Italy and France respecting the application in advance of certain provisions of the European Convention on Social Security for Migrant Workers, as well as this Arrangement shall enter into force on 1 April 1958.

DONE at Rome on 27 March 1958.

For Italy :
FOLCHI

For France :
Gaston PALEWSKI