

No. 5387

**BELGIUM
and
FRANCE**

**Agreement relating to compensation for disablement or
death due to war injury suffered by civilians. Signed
at Paris, on 20 September 1958**

Official text: French.

Registered by Belgium on 10 October 1960.

**BELGIQUE
et
FRANCE**

**Convention relative aux pensions d'invalidité et de décès
des victimes civiles de la guerre. Signée à Paris, le
20 septembre 1958**

Texte officiel français.

Enregistrée par la Belgique le 10 octobre 1960.

[TRANSLATION — TRADUCTION]

No. 5387. AGREEMENT¹ BETWEEN THE KINGDOM OF BELGIUM AND THE REPUBLIC OF FRANCE RELATING TO COMPENSATION FOR DISABLEMENT OR DEATH DUE TO WAR INJURY SUFFERED BY CIVILIANS. SIGNED AT PARIS, ON 20 SEPTEMBER 1958

His Majesty the King of the Belgians and
The President of the French Republic,

Désirous of overcoming, by mutual agreement, the difficulties arising out of the compensation of civilian war victims and their dependants of either nationality, and bearing in mind the losses suffered in common by their nationals in the course of the last two wars, have decided to conclude an agreement and have for this purpose appointed as their plenipotentiaries :

His Majesty the King of the Belgians :

Baron Jules Guillaume, Ambassador of Belgium to France,

The President of the French Republic :

Mr. Philippe Monod, Minister Plenipotentiary, Director of Administrative and Social Affairs at the Ministry of Foreign Affairs,

who, having exchanged their full powers, found in good and due form, have agreed as follows :

Article 1

The French Government will grant the benefits conferred or to be conferred by French legislation on civilian victims of the 1939-1945 war, to the civilian victims of the 1939-1945 war and their dependants listed below :

- I. *Civilian victims* possessing French nationality at the time of the injury, and Belgian nationality at the time either of the decision to grant the disability pension, or of death if they died before their entitlement to a pension was recognized;
- II. *Dependants* possessing French or Belgian nationality at the time of the death of the victim if the latter was a French national at the time of the injury and a Belgian or French national at the time of the decision to grant the disability

¹ Came into force on 1 October 1960, the first day of the month following the exchange of the instruments of ratification, which took place at Paris on 8 September 1960, in accordance with article 9,

pension, or of death if he died before his entitlement to pension was recognized.

Such dependants must, furthermore, still be entitled to claim French or Belgian nationality at the date of the decision on their application for a pension. Otherwise the entitlement to a pension is suspended automatically.

Article 2

The Belgian Government will grant the benefits conferred or to be conferred by Belgian legislation on civilian victims of the 1939-1945 war, to the civilian victims of the 1939-1945 war and their dependants listed below :

1. *Civilian victims* possessing Belgian nationality at the time of the injury and French nationality at the time either of the decision to grant the disability pension or of death if they died before their entitlement to a pension was recognized;
2. *Dependants* possessing Belgian or French nationality at the time of the death of the civilian victim if the latter was a Belgian national at the time of the injury and a French or a Belgian national at the time of the decision to grant the disability pension, or of death if he died before his entitlement to a pension was recognized.

Such dependants must, furthermore, still be entitled to claim Belgian or French nationality at the date of the decision on their application for a pension. Otherwise, the entitlement to pension is suspended automatically.

Article 3

Loss of French nationality resulting from the acquisition of Belgian nationality and, similarly, loss of Belgian nationality resulting from the acquisition of French nationality, shall not entail the suspension of entitlement to a pension on grounds of disability or death. The pension shall continue to be payable by the country by which it was originally granted.

Whenever the entitlement to a pension is suspended by reason of the acquisition of French or Belgian nationality by the beneficiary, the latter may apply for the resumption of payment of his pension to the Government which had previously granted it. Restoration of the pension shall not justify any claim for arrears going back beyond either the date of signature of this Agreement or the date of the application by the interested party where this was more than a year after the date of the exchange of ratifications.

Any sums paid, notwithstanding the suspension of the entitlement to a pension, before the date on which the Agreement enters into force shall be repay-

able only where a false or incomplete declaration as to nationality had been made by the interested parties.

Article 4

I. Applications for the benefits conferred by this Agreement shall not be considered unless they are submitted to the Government responsible for recognizing the claim to a pension, within a period of five years calculated from the first day of the month following the exchange of ratifications.

If death resulting from the injury, or the injury itself, occurs after that date, the application must, without prejudice to paragraph I, be submitted within a period of twelve months calculated from the date of death, if the applicant is a dependant, or of the injury if he is the civilian victim.

If, however, a victim who failed to submit an application within the above-mentioned time-limits dies after the expiry of the said time-limits, his dependants may oppose the refusal of his application.

The authorities competent to recognize the entitlement to a pension may, by a decision accompanied by a statement of reasons, waive the disqualification in the applicant's favour if it is established that the failure to observe the time-limits was due to causes beyond his control or beyond the victim's control in the case referred to in the preceding paragraph.

- II. Applications submitted to either contracting Government before this Agreement enters into force shall not be deemed receivable by the Government responsible for recognizing the entitlement to a pension unless they are renewed by the interested parties within the time-limits prescribed in paragraph I.
- III. The date of entitlement to the rights recognized under paragraphs I and II shall be calculated on the basis of the date on which the application was submitted by the disabled person or his dependant, and of French and Belgian law, respectively, provided that the date thus determined may not precede the date of signature of this Agreement.

Article 5

Where, under the provisions of the domestic law of either contracting State, a civilian victim of the 1939-1945 war possessing dual nationality, Belgian and French, or his dependants is entitled to a pension from both States in respect of the same injury, the pension shall be payable only by the contracting State for which the beneficiary shall opt definitively, such option to be exercised, under penalty of the loss of entitlement to a pension in both States, within a period of three months after being invited to do so by either Government. Notice of the invitation and of the choice made shall be communicated to the other Government.

Article 6

The meaning of the expressions “civilian war victims”, “dependants” and “injury” shall be defined in accordance with the relevant legislative provisions of the country by which the pension shall be payable.

Article 7

This Agreement shall apply in its entirety to the civilian victims of the 1939-1945 war and their dependants.

Article 3 alone shall apply to the civilian victims of the 1914-1918 war and their dependants.

Article 8

Each contracting Government undertakes to communicate to the other all documentation and information relating to the application of its legislation governing pensions for civilian war victims, and to facilitate the conduct of any investigations required for determining entitlement to benefits under the Agreement.

Article 9

This Agreement shall enter into force on the first day of the month following the exchange of ratifications which shall take place at Paris as soon as possible. It shall remain in force until such time as the two contracting Governments shall terminate it by mutual agreement, but it may be denounced at any time by either contracting Government giving one year's notice in writing to the other.

· DONE in duplicate in the French language.

Paris, 20 September 1958.

GUILLAUME

Philippe MONOD