

**No. 10730**

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**FRANCE  
and  
TUNISIA**

**Supplementary Agreement concerning the social security  
scheme for seamen. Signed at Paris on 20 March 1968**

*Authentic text: French.*

*Registered by France on 3 September 1970.*

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**FRANCE  
et  
TUNISIE**

**Accord complémentaire relatif au régime de sécurité sociale  
des marins. Signé à Paris de 20 mars 1968**

*Texte authentique: français.*

*Enregistré par la France le 3 septembre 1970.*

[TRANSLATION — TRADUCTION]

SUPPLEMENTARY AGREEMENT<sup>1</sup> CONCERNING THE SOCIAL SECURITY SCHEME FOR SEAMEN BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF TUNISIA, SIGNED AT PARIS ON 20 MARCH 1968

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The Government of the French Republic and the Government of the Republic of Tunisia,

Being resolved to co-operate in the social field,

Affirming the principle that the nationals of one State should receive under the social security legislation of the other equal treatment with the nationals of the latter,

Desirous of enabling their nationals to retain the rights they have acquired under the legislation of one of the States, and of arranging for insurance periods completed by their nationals under the legislation of each State to be aggregated,

Have decided to conclude, within the framework of the General Convention on social security<sup>2</sup> between the two States, an agreement to co-ordinate the application to French and Tunisian seamen of the French and Tunisian legislation relating to social security and to that end have agreed on the following provisions:

TITLE I

GENERAL PRINCIPLES

*Article 1*

1. The scheme described in this Agreement shall be applicable to employed seamen of French nationality engaged on board vessels of Tunisian registry and employed seamen of Tunisian nationality engaged on board vessels of French registry which have ship's articles.

<sup>1</sup> Came into force on 1 September 1970, i.e. the first day of the third month following the date of the last of the notifications by each of the Contracting Parties to the other to the effect that the constitutional procedures required had been completed, in accordance with article 30.

<sup>2</sup> United Nations, *Treaty Series*, vol. 743.

Any person who contracts with a shipowner or his representative to serve on board a merchant, fishing or pleasure vessel and whose work on deck, in the engine-room, in the radio services or in the catering services is connected with the propulsion, steering, maintenance or operation of the vessel shall be deemed to be a seaman.

For the purposes of this Agreement, any individual, company or public authority on whose behalf a vessel has been commissioned shall be deemed to be a shipowner.

2. The provisions of this Agreement shall apply to the following territories:  
In relation to France: metropolitan France and the overseas departments;

In relation to Tunisia: the territory of the Republic of Tunisia.

### *Article 2*

1. The provisions of this Agreement shall apply:

A. *In relation to France, to*

(a) The legislation relating to the seamen's retirement scheme administered by the Seamen's Superannuation Fund.

(b) The legislation relating to the seamen's insurance scheme administered by the Seamen's General Welfare Fund.

B. *In relation to Tunisia, to*

(a) Act No. 60-30 of 14 December 1960 together with additions or amendments relating to the organization of social security schemes.

(b) Act No. 57-73 of 11 December 1957 relating to compensation for industrial accidents and occupational diseases.

(c) Act No. 60-33 of 14 December 1960 establishing an invalidity, old age and survivors' pension scheme and an old age and survivors' benefit scheme in the non-agricultural sector.

2. This Agreement shall also apply to all laws or regulations by which the legislation specified in paragraph 1 of this article has been or may be amended or supplemented.

Provided that this Agreement shall not apply:

(a) To laws or regulations covering a new branch of social security for seamen, unless the Contracting Parties have concluded an arrangement to that effect.

(b) To laws or regulations extending existing schemes to new categories of beneficiaries, unless the Government of the Party amending its legislation raises no objection and notifies the Government of the other Party to that effect within a period of three months from the date of the official publication of the said laws or regulations.

### *Article 3*

1. Employed seamen shall be subject to the legislation of the State of registry of the vessel on board which they are engaged.

2. The competent administrative authorities of the Contracting Parties may by agreement provide for exceptions to the rule set out in paragraph 1 of this article.

## TITLE II

### SPECIAL PROVISIONS

#### Chapter I

#### INSURANCE FOR DISEASES AND ACCIDENTS NOT CONTRACTED OR SUSTAINED AT SEA, MATERNITY AND DEATH INSURANCE

##### Section I

##### ENTITLEMENT TO BENEFITS

### *Article 4*

The provisions of articles 5, 6 and 7 of the General Convention shall be extended to French and Tunisian employed seamen.

In such cases, the legislation applicable shall be that of the State of registry of the vessel on board which the seaman is or was serving.

### *Article 5*

A French or Tunisian employed seaman who is insured by the institution of the State of registry of the vessel on board which he was engaged and who resides in that State, shall receive benefits when his state of health while he is staying temporarily in his country of origin during paid leave necessitates emergency medical treatment, including hospitalization, provided that the

insuring institution has given its approval; such benefits may be provided for a maximum period of three months. This period may, however, be extended for a further three months by a decision of the insuring institution, on the recommendation of its medical adviser.

#### *Article 6*

A French or Tunisian employed seaman receiving benefits from the institution of the State of registry of the vessel on board which he was engaged shall continue to do so for a maximum period of three months when he transfers his residence to the territory of the other State, provided that before his transfer he obtained the authorization of the insuring institution, which shall take due account of the reasons for the transfer. This period may be extended for a further three months by a decision of the insuring institution, on the recommendation of its medical adviser.

In cases of exceptionally serious illness, however, the insuring institution may allow benefits to be continued after the expiry of the above-mentioned period of six months.

#### *Article 7*

Dependants of a French or Tunisian employed seaman who are ordinarily resident in either country while the seaman is engaged on a vessel registered in the other country shall be entitled to sickness and maternity insurance benefits in kind in the country of their residence.

Entitlement to the benefits referred to in this article shall expire at the end of a six-year period beginning on the date of the employed person's entry into the territory of the new country of employment.

In the case of French and Tunisian seamen engaged, on the date on which this Agreement enters into force, on board vessels registered in either country, that date shall constitute the beginning of the period mentioned in the preceding paragraph.

### Section II

#### PROVISIONS OF BENEFITS AND REPAYMENTS BETWEEN INSTITUTIONS

#### *Article 8*

When a French or Tunisian employed seaman, or the members of his family, are entitled to benefits in accordance with articles 5, 6 and 7 of this Agreement or the last paragraph of article 6 of the General Convention—the

provisions of which article were extended to the persons concerned by article 4 of this Agreement—benefits in kind shall be provided by the institution of the country of residence, in accordance with the provisions of the legislation applicable in that country regarding the extent and procedures for the provision of benefits in kind.

#### *Article 9*

The provision of prosthesis, of large appliances and of other major benefits in kind shall be subject, except in cases of absolute urgency, to authorization by the insuring institution.

The concept of absolute urgency shall be defined by the competent authorities of the two countries.

The authorization of the insuring institution shall not, however, be required in the case of costs to be repaid on a flat-rate basis in accordance with the provisions of article 11, paragraph 1.

#### *Article 10*

When a French or Tunisian employed seaman is entitled to benefits under articles 5 and 6 of this Agreement, cash benefits shall be provided by the institution by which the seaman was insured at the time when he claimed benefits.

#### *Article 11*

1. The cost of benefits in kind provided in accordance with the provisions of articles 5, 6 and 7 of this Agreement and the last paragraph of article 6 of the General Convention—the provisions of which articles were extended to seamen by article 4 of this Agreement—shall be repaid on a flat-rate basis by the insuring institution to the institution which provided them in the other country.

2. With regard to the benefits in kind for members of the family mentioned in article 7 of this Agreement, the scheme applied by the insuring institution shall be obliged to repay to the institution which provided such benefits amounts equivalent to three quarters of the cost of the said benefits, calculated on the flat-rate basis referred to in paragraph 1 of this article.

3. The competent French and Tunisian authorities may, for purposes of simplification, jointly decide that no repayments shall be made between the institutions of the two countries.

*Article 12*

The procedures for applying the provisions of this chapter shall be laid down in an administrative arrangement.

## Chapter II

## OLD AGE AND DEATH INSURANCE (PENSIONS)

*Article 13*

Entitlement to old age benefits shall be determined in accordance with the legislation of the State responsible, taking into account the insurance periods completed under that State's scheme for seamen.

*Article 14*

The agency responsible for providing retirement pensions for seamen may deduct from the amount of the pensions payable to seamen who are nationals of the other State a sum corresponding to the average contribution which it receives for paying similar benefits to its own nationals.

This deduction may not, however, make the amount of such benefits less than that which would have been provided if the general scheme for other employed persons had been applied to those concerned.

*Article 15*

The provisions of this Agreement relating to old age pensions shall apply, where appropriate, to the rights of surviving spouses and children. If, in accordance with his personal status, the insured person had more than one spouse, the pension payable to the surviving spouse shall be apportioned equally and definitively between the beneficiaries.

*Article 16*

Persons whose entitlements were acquired prior to this Agreement may request that the amount of the entitlement be determined. Only annuities acquired through exercise of the profession of seaman, in accordance with the laws and regulations in force and with this Agreement, shall be taken into account.

The determination shall be made in accordance with the rules set out in this chapter and shall have effect from the date of entry into force of this Agreement, if the requests are submitted within two years from that date. Where, however,

the entitlement previously determined was the subject of a lump sum settlement, the amount thereof shall not be revised.

*Article 17*

A new agreement concerning old age insurance shall be concluded after implementation of Tunisian Act No. 60-33 of 14 December 1960.

Chapter III

INVALIDITY INSURANCE

*Article 18*

Entitlement to invalidity insurance benefits shall be determined in accordance with the legislation of the State responsible, taking into account insurance periods completed under that State's scheme for seamen.

*Article 19*

A new agreement concerning invalidity insurance shall be concluded after implementation of Tunisian Act No. 60-33 of 14 December 1960.

Chapter IV

INDUSTRIAL ACCIDENTS AND DISEASES SUSTAINED OR CONTRACTED AT SEA

*Article 20*

Entitlement to benefits in kind and cash, in the event of industrial accidents sustained or diseases contracted at sea by a French or Tunisian employed seaman, shall be determined in accordance with the legislation of the State of registry of the vessel on board which he is serving.

In determining entitlement to such benefits, insurance periods completed consecutively under the special scheme for seamen of either Contracting Party shall be aggregated, provided that they do not overlap.

*Article 21*

The provisions of articles 18 and 21 of the General Convention shall be extended to seamen.



*Article 22*

1. Any French or Tunisian employed seaman who sustains an industrial accident or contracts a disease at sea and who transfers his residence to the territory of the State other than the State of registry of the vessel on board which he was engaged, shall receive benefits in kind at the expense of the insuring institution, which shall be provided by the institution of the new place of residence.

2. Such seamen shall, before transferring their residence, obtain the authorization of the insuring institution, which shall take due account of the reasons for the transfer.

Any seaman who, after an industrial accident sustained or a disease contracted at sea, and in pursuance of the legislation of either Contracting Party concerning employment at sea, has been landed or repatriated to the territory of the State other than the State of registry of the vessel on board which he was engaged, shall be assumed to have obtained authorization from the insuring institution, pending a decision by that institution.

3. Benefits in kind awarded under paragraph 1 shall be provided by the institution of the new place of residence in accordance with the provisions of the legislation applicable by that institution regarding the extent and procedures for providing benefits in kind.

In the case of industrial accidents sustained at sea, however, such benefits shall be provided for the period specified in the legislation of the insuring country.

In the case of a disease contracted at sea, benefits may be provided for a maximum period of six months. In cases of exceptionally serious illness, however, the insuring institution may allow benefits to be continued after the expiry of the above-mentioned period of six months.

4. The cost of benefits in kind provided in the case specified in paragraph 1 of this article shall be repaid on a flat-rate basis by the insuring institution to the institutions which provided them, in accordance with procedures to be laid down in an administrative arrangement.

*Article 23*

In the case of a transfer of residence, as specified in article 22, cash benefits shall be provided by the insuring institution, in accordance with the legislation applicable to it.

In the case of a disease contracted at sea, however, cash benefits may be provided for a maximum period of six months. In cases of exceptionally serious illness, the insuring institution may allow benefits to be continued after the expiry of the above-mentioned period of six months.

#### *Article 24*

The pension payable to the surviving spouse of a person who dies as the result of an industrial accident at sea shall, if the deceased, in accordance with his personal status, had more than one spouse, be apportioned equally and definitively between the beneficiaries.

### Chapter V

#### FAMILY ALLOWANCES

#### *Article 25*

The provisions of articles 25 to 27 inclusive of the General Convention shall be extended to seamen.

### TITLE III

#### PROVISIONS CONCERNING RELATIONS BETWEEN ADMINISTRATIONS

#### *Article 26*

In each of the two States, the Ministers responsible, each within the limits of his competence, for the application of the social security schemes for seamen, shall be deemed to be the competent administrative authorities for the purposes of this Agreement.

#### *Article 27*

For the purposes of the application of the provisions of Title II, Chapter V, the competent administrative authorities shall be those specified in article 33 of the General Convention.

#### *Article 28*

The provisions of articles 34 to 40 inclusive of the General Convention shall be extended to this Agreement.

## TITLE IV

## FORMAL PROVISIONS

*Article 29*

1. Any difficulties relating to the application of this Agreement shall be resolved by agreement between the administrative authorities indicated in articles 26 or 27 as appropriate.

2. Where it is impossible to reach a solution by this means, the dispute shall be settled by arbitration in accordance with a procedure to be arranged by the two Contracting Parties.

*Article 30*

Each Contracting Party shall notify the other of the completion of the constitutional procedures required, in so far as it is concerned, for the entry into force of this Agreement. This Agreement shall enter into force on the first day of the third month following the date of the last such notification.

*Article 31*

This Agreement shall remain in force for a period of one year from the date of its entry into force. Thereafter it shall continue in force unless it is denounced in writing three months before the expiry of any such one-year period.

In the event of the denunciation of this Agreement, any rights acquired in accordance with its provisions shall be maintained, notwithstanding any restrictive provision made in the legislations concerned for cases where an insured person is resident abroad.

DONE at Paris on 20 March 1968 in duplicate.

For the Government of the French Republic:  
Gilbert DE CHAMBRUN

For the Government of the Republic of Tunisia:  
M. MASMOUDI