

No. 10705

FRANCE
and
SPAIN

Agreement concerning dependency allowances. Signed at Paris on 8 July 1963

Amendment to the above-mentioned Agreement. Signed at San Sebastian on 29 August 1964

Exchange of letters constituting an agreement modifying article 1, paragraph 6, of the above-mentioned Amendment. Paris, 2 August 1968

Authentic texts : French and Spanish.

Registered by France on 3 September 1970.

FRANCE
et
ESPAGNE

Accord sur les indemnités pour charges de famille. Signé à Paris le 8 juillet 1963

Avenant à l'Accord susmentionné. Signé à Saint-Sébastien le 29 août 1964

Échange de lettres constituant un accord modifiant l'article premier, paragraphe 6, de l'Avenant susmentionné. Paris, 2 août 1968

Textes authentiques : français et espagnol.

Enregistré par la France le 3 septembre 1970.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN FRANCE AND SPAIN CONCERNING DEPENDENCY ALLOWANCES

The Government of the French Republic and
The Government of the Spanish State,
desiring to improve the condition of families which continue to reside in one of the two States but whose head is employed in the other,

Have agreed as follows :

Article 1

Paragraph 1

French and Spanish employed persons or persons treated as such who are employed on a regular basis in the territory of Spain or in the territory of France and who have children who are resident in the territory of the other State shall be entitled to dependency allowances for the said children; the cost of the allowances shall be borne by the institution which is responsible for the workers in question in the State to whose legislation they are subject.

Paragraph 2

For the purpose of this Agreement, the term "territory" means :

In the case of France : metropolitan France and the overseas *départements* (Guadeloupe, Guiana, Martinique and Réunion).

In the case of Spain : the peninsular territory, adjacent islands and Spanish territories.

Paragraph 3

The dependency allowances for which such workers are eligible shall be granted from the second child onwards.

Paragraph 4

Entitlement to dependency allowances under this Agreement shall arise in respect of children below 14 years of age where they are :

— The worker's legitimate, legitimized or recognized natural children or his orphaned grandchildren;

¹ Came into force on 1 October 1963, i.e., the first day of the third month following the last of the notifications (effected on 25 and 30 July 1963) by each Contracting Party to the other to the effect that the constitutional requirements had been fulfilled, in accordance with article 6, paragraph 2.

— The legitimate, legitimized or recognized natural children or orphaned grandchildren of the worker's spouse, on condition that they live in the worker's home in the State where his family is resident.

However, the age limit of 14 years prescribed above shall be raised to 20 years in respect of a child who is certified unfit for occupational activity for reasons of infirmity or chronic illness.

Paragraph 5

The dependency allowances provided for in paragraph 1 of this article shall be paid on the basis of periods of employment or periods treated as such.

Paragraph 6

Entitlement to benefits under paragraph 1 of this article shall expire at the end of a three-year period from the date of entry of the worker into the territory of the State of his new employment.

Article 2

The amount of the dependency allowances shall be determined by agreement between the competent authorities of the two States.

A joint commission shall meet during the last quarter of each year to consider the possibility of adjusting the amount of the dependency allowances particularly in the light of variations in the French family allowance rates and in the cost of living in Spain. Such increases in the allowances as are decided by the competent authorities shall apply from 1 January of the following year.

Article 3

In the case of French nationals living in Spain on the date on which this Agreement enters into force, the three-year period prescribed in article 1, paragraph 6 above, shall run from the said date of entry into force.

Article 4

An administrative arrangement shall establish the conditions of application of this Agreement.

Article 5

The provisions of the Agreement of 27 June 1957 concerning payment in Spain of dependency allowances to Spanish persons employed in France, and the provisions of the exchange of letters of 14 December 1961 establishing the procedure for the adjustment of allowances, shall cease to apply.

*Article 6**Paragraph 1*

This Agreement is concluded for a period of one year. Thereafter it shall be tacitly renewed from year to year unless denounced by one of the parties through notification of the other party six months before the expiry of the annual term.

Paragraph 2

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

DONE at Paris on 8 July 1963 in duplicate in French and Spanish, both texts being equally authentic.

For the Government
of the French Republic :

François LEDUC

[SEAL]

For the Government
of the Spanish State :

José Maria DE AREILZA

[SEAL]

AMENDMENT¹ TO THE AGREEMENT OF 8 JULY 1963
BETWEEN FRANCE AND SPAIN CONCERNING DE-
PENDENCY ALLOWANCES²

The Government of the French Republic and
The Government of the Spanish State,

desiring to improve the condition of families which continue to reside in one of the two countries but whose head is employed in the other, have decided to modify the Agreement of 8 July 1963² on dependency allowances in the following manner :

Article 1

The text of article 1, paragraph 6, of the Agreement of 8 July 1963 shall cease to apply and shall be replaced by the following :

“*Paragraph 6.* Entitlement to benefits under paragraph 1 of this article shall expire at the end of a six-year period from the date of entry of the worker into the territory of the State of his new employment.”

Article 2

Article 3 of the Agreement of 8 July 1963 shall cease to apply and shall be replaced by the following :

“In the case of French nationals living in Spain on 1 October 1963, the six-year period prescribed in article 1, paragraph 6 above, shall run from that date.”

Article 3

Each Contracting Party shall notify the other of the completion of the constitutional formalities required, in so far as it is concerned, for the entry into force of this Amendment.

¹ Came into force on 1 December 1964, i.e., the first day of the second month following the date of the last of the notifications (effected on 15 and 16 October 1963) by each of the contracting Parties to the other to the effect that the constitutional requirements had been fulfilled, in accordance with article 3.

² See p. 99 of this volume.

This Amendment shall enter into force on the first day of the second month following the date of the last such notification.

DONE at Paris on 12 June 1964 in duplicate in French and Spanish, both texts being equally authentic.

For the Government
of the French Republic:

Signed at San Sebastian
on 29 August 1964,

R. DE BOISSESON

[SEAL]

For the Government
of the Spanish State:

Signed at San Sebastian
on 29 August 1964,

Fernando M. CASTIELLA

[SEAL]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ MODIFYING ARTICLE 1, PARAGRAPH 6, OF THE AMENDMENT OF 29 AUGUST 1964² TO THE AGREEMENT OF 8 JULY 1963 BETWEEN FRANCE AND SPAIN CONCERNING DEPENDENCY ALLOWANCES³

I

MINISTRY OF FOREIGN AFFAIRS

Paris, 2 August 1968

Sir,

As you know, the Agreement of 29 August 1964² laid down in article 1, paragraph 6, the conditions under which entitlement to dependency allowances is acquired by the families of seasonal workers.

As the technical conditions of seasonal work have undergone major changes which should be taken into account, I have the honour to propose the following modification to the text of paragraph 6 of article 1 of the Agreement of 29 August 1964:

"Article 1

"Paragraph 6. Entitlement to benefits under paragraph 1 of this article shall be acquired only if the seasonal worker gives proof of possession of a labour contract valid for one month in the new country of employment, and of fulfilment in that country of the obligations under the contract."

I should be grateful if you would inform me whether this suggestion is acceptable to the Spanish Government.

If so, this letter and your reply would constitute an agreement between our two Governments. It would enter into force upon notification that the requisite constitutional procedures have been completed on both sides, and would apply from 1 September 1968.

Accept, etc.

G. DE CHAMBRUN

His Excellency Mr. Pedro Cortina Mauri
Ambassador Extraordinary and Plenipotentiary of Spain
Paris

¹ Came into force on 16 June 1969, upon the exchange of notifications stating that the respective constitutional formalities had been fulfilled, with retroactive effect from 1 September 1968, in accordance with the final provisions of the said letters.

² See p. 102 of this volume.

³ See p. 99 of this volume.

II

AMBASSADOR OF SPAIN IN PARIS

Paris, 2 August 1968

Sir,

I have the honour to refer to your letter of today's date, reading :

[*See letter I*]

I have the honour to inform you that the Spanish Government agrees to the above suggestion.

Accept, etc.

Pedro CORTINA

Mr. Gilbert de Chambrun
Minister Plenipotentiary
Director for Administrative Agreements
and Consular Affairs
Ministry of Foreign Affairs.
Paris
