

No. 10704

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**FRANCE**  
**and**  
**SPAIN**

- ✓ **General Convention on Social Security (with related letter).  
Signed at Paris on 27 June 1957**
- ✓ **Supplementary Agreement to the above-mentioned General Convention (Social security scheme applicable to frontier workers). Signed at Paris on 27 June 1957**
- ✓ **Agreement No. 1 supplementing the above-mentioned General Convention. Signed at Paris on 12 April 1962**
- ✓ **Agreement amending Agreement No. 1 of 12 April 1962 supplementing the above-mentioned General Convention. Signed at San Sebastian on 29 August 1964**
- ✓ **Agreement No. 2 supplementing the above-mentioned General Convention. Signed at San Sebastian on 29 August 1964**

*Authentic texts of the General Convention : French and Spanish.*

*Authentic text of the related letter : Spanish.*

*Authentic texts of Supplementary and Amending Agreements : French and Spanish.*

*Registered by France on 3 September 1970.*

[TRANSLATION — TRADUCTION]

GENERAL CONVENTION<sup>1</sup> BETWEEN FRANCE AND SPAIN  
ON SOCIAL SECURITY

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The President of the French Republic and  
The Head of the Spanish State,

Desiring, for the benefit of their nationals, to adapt the provisions already agreed upon by the two countries to reflect the improvements which have been made in their social security legislation during recent years,

Have decided to conclude a new Convention and, for this purpose, have appointed as their plenipotentiaries :

The President of the French Republic :

His Excellency Mr. Louis Joxe, Ambassador of France, Secretary-General of the Ministry of Foreign Affairs;

The Head of the Spanish State :

His Excellency Mr. José Rojas y Moreno, Count of Casa Rojas, Ambassador of Spain to France;

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

TITLE I

GENERAL PRINCIPLES

*Article 1*

*Paragraph 1*

French or Spanish employed persons or persons treated as such under the social security legislation specified in article 2 of this Convention shall be subject to the said legislation applicable, respectively, in France or Spain and they and their dependants shall, subject to their providing proof of nationality in accordance with the legislation of each contracting country, enjoy the benefits thereof under the same conditions as the nationals of each country.

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<sup>1</sup> Came into force on 1 April 1959, i.e., the first day of the month following the exchange of the instruments of ratification, which took place at Madrid on 11 March 1959, in accordance with article 33.

*Paragraph 2*

For the purposes of this Convention, "employed persons" means the persons specified by the legislation which is listed in article 2 and is in each case applicable in both countries.

*Paragraph 3*

For the purposes of the application of this Convention :

"*Spain*" means the peninsula, the adjacent islands and the Spanish territories;

"*France*" means metropolitan France, the Algerian departments and the overseas departments (Guadeloupe, Guiana, Martinique and Réunion).

*Paragraph 4*

Spanish nationals resident in France and French nationals resident in Spain may be admitted to the voluntary or optional insurance schemes specified in the legislation referred to in article 2 under the same conditions as the nationals of their country of residence.

*Article 2**Paragraph 1*

The provisions of this Convention shall apply :

*1. In relation to France,*

Depending on the territory, to the laws and regulations concerning :

- (a) The organization of social security;
- (b) The general social insurance scheme applicable to insured persons employed in non-agricultural occupations and relating to the risks of sickness, invalidity, old age and death, and to coverage for maternity expenses;
- (c) The social insurance scheme applicable to persons employed and persons treated as employed in agricultural occupations and relating to the risks and expenses specified in the foregoing subparagraph.
- (d) Family allowances;
- (e) The prevention of, and compensation for, industrial accidents and occupational diseases;
- (f) Special social security schemes, in so far as they deal with the risks and benefits specified in the foregoing subparagraphs, and, in particular, the scheme of social security in the mining industry.

*2. In relation to Spain, to*

The laws and regulations concerning :

- (a) Old age and invalidity insurance;

- (b) Industrial accident and occupational disease insurance;
- (c) Sickness and maternity insurance, including funeral benefits;
- (d) Family allowances;
- (e) The special schemes for particular categories of employed persons in so far as relates to the risks or benefits covered by the legislation specified in the foregoing subparagraphs;
- (f) The Workers' Mutual Benefit Scheme (*Mutualismo Laboral*);
- (g) The scheme covering large families.

#### *Paragraph 2*

Notwithstanding paragraph 1, 1 (b), above, this Convention shall not apply to the French laws extending to students certain provisions of the ordinance of 19 October 1945 establishing the social insurance scheme applicable to insured persons employed in non-agricultural occupations, unless an administrative agreement has been concluded to that effect. The said agreement shall establish the conditions under which the Spanish social security scheme for students shall be applicable to French students in Spain.

#### *Paragraph 3*

The conditions under which the legislative provisions relating to the prevention of, and compensation for, industrial accidents shall be applicable to French and Spanish prisoners shall be established in an administrative agreement.

#### *Paragraph 4*

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

Provided that this Convention shall not apply :

- (a) To laws or regulations covering a new branch of social security, unless the contracting countries have concluded an agreement to that effect;
- (b) To laws or regulations extending existing schemes to new categories of beneficiaries, unless the Government of the country concerned raises no objection and notifies the Government of the other country to that effect within a period of three months from the date of the official publication of the said laws or regulations.

### *Article 3*

#### *Paragraph 1*

Employed persons shall be subject to the legislation in force at their place of employment.

*Paragraph 2*

The principle laid down in paragraph 1 of this article shall apply subject to the following exceptions :

(a) Employed persons who are in the service of an enterprise having its head office in one of the contracting countries and are sent to the territory of the other country for a limited period shall continue to be subject to the legislation of the country where the enterprise has its head office, provided that their stay in the other country does not exceed a period of 12 months. The same rule shall apply to employed persons in the service of an enterprise having its head office in one of the two countries who, by virtue of the special nature of their employment, travel repeatedly to the territory of the other country, provided that each period of residence does not exceed 12 months. Where such employment is extended for unforeseen reasons beyond the period originally intended and exceeds 12 months, the application of the legislation in force in the country of regular employment may be continued by way of exception with the agreement of the competent authority of the country of temporary employment.

(b) Employed persons or persons treated as such in the service of a public transport undertaking in one contracting country who are employed in the other country, either temporarily or permanently, on lines of inter-communication or at frontier stations, shall be subject to the provisions in force in the country in which the undertaking has its head office.

(c) Persons employed in the mobile sections (travelling personnel) of transport undertakings other than those specified in subparagraph (b), operating between the two contracting countries shall be subject only to the provisions in force in the country in which the undertaking has its head office.

*Paragraph 3*

The competent authorities of the two contracting countries may by agreement provide for other exceptions to the principle set out in paragraph 1 of this article. They may also agree that the exceptions provided for in paragraph 2 shall not apply in particular cases.

*Article 4**Paragraph 1*

The provisions of article 3, paragraph 1, shall apply to :

(a) Contractual or temporary employed persons and administrative staff who are employed in Spanish diplomatic or consular missions or are in the personal employ of heads, members and officers of such missions,

(b) Persons who are employed in French diplomatic or consular missions or are in the personal employ of officers of such missions.

*Paragraph 2*

Employed persons specified in paragraph 1 who are nationals of the country represented by the diplomatic or consular mission and who are not permanently established in the country in which they are employed may choose between the application of the legislation of their country of origin and that of the legislation of their country of employment.

*Paragraph 3*

Career diplomatic and consular officers and officers on the staff of chancelleries shall be excepted from the application of paragraphs 1 and 2 above.

*Paragraph 4*

Persons employed in the service of the Government of one of the High Contracting Parties who are subject to the legislation of that country and are sent to the other country shall continue to be subject to the legislation of the sending country.

## TITLE II

## SPECIAL PROVISIONS

## Chapter I

## SICKNESS, MATERNITY AND DEATH INSURANCE

*Article 5*

Employed persons and persons treated as such who go from France to Spain or vice versa shall, together with their dependants living with them in the new country of employment, be eligible for sickness insurance benefits in that country, provided that :

1. They were considered fit for employment when they last entered the latter country;
2. They became affiliated with the social security scheme after their last entry into the territory of the new country of employment;
3. They satisfy the conditions imposed by the legislation of the latter country, account being taken, where appropriate, of the insurance periods or equivalent periods completed under the legislation of the other country.

Nevertheless, insurance periods or equivalent periods completed in both countries may be aggregated only if not more than one month has

elapsed between the end of the insurance period in one country and the beginning of the insurance period in the territory of the new country of employment.

#### *Article 6*

Employed persons who transfer their residence from France to Spain or vice versa shall, together with the members of their family, be eligible for maternity benefits in Spain or France, provided that :

1. They have been engaged in an occupation subject to insurance in the country to which they transferred their residence ;
2. They satisfy in the latter country the conditions imposed for receipt of such benefits, insurance periods or periods recognized as equivalent completed in the other country being aggregated if necessary.

#### *Article 7*

On the death of an employed person who has transferred his residence from France to Spain or vice versa, death benefits shall be payable or may be claimed in Spain or France provided that :

1. The deceased has been engaged in an occupation subject to insurance in the country to which he transferred his residence ;
2. The deceased satisfied in the latter country the conditions imposed for receipt of such benefits, insurance periods or periods recognized a equivalent completed in the other country being aggregated if necessary.

### Chapter II

#### INVALIDITY INSURANCE

#### *Article 8*

##### *Paragraph 1*

In the case of French or Spanish employed persons who have been insured consecutively or alternately in both contracting countries under one or more invalidity insurance schemes, the insurance periods completed under those schemes and any periods recognized as equivalent to insurance periods under the said schemes shall, provided they do not overlap, be aggregated for the purpose both of the determination of the right to benefits in cash or in kind and of the maintenance or recovery of this right, account being taken of the provisions of article 5 above.

*Paragraph 2*

Cash benefits from invalidity insurance shall be paid in accordance with the provisions of the legislation which applied to the person concerned at the time of the interruption of employment followed by invalidity, and the cost of such benefits shall be defrayed by the insurance authority which is competent under that legislation.

*Paragraph 3*

If, however, at the time of the interruption of employment followed by invalidity an invalid who was formerly insured against invalidity in the other country had not been affiliated with the social insurance scheme for at least one year since he last entered the territory of the country in which the interruption of employment occurred, he shall receive from the competent insurance authority of the other country the cash benefits provided for under the legislation of that country, provided that he satisfies the conditions imposed thereby, account being taken of the aggregation of insurance periods. This provision shall not apply where invalidity is the result of an accident.

*Article 9*

If, after suspension of an invalidity pension, the insured person recovers his right to the pension, the insurance authority which originally granted the pension shall be responsible for resuming payment thereof.

If, after suspension of an invalidity pension, the condition of the insured person justifies the grant of an invalidity pension, the latter shall be determined in accordance with the provisions of article 8.

*Article 10*

An invalidity pension shall be converted where appropriate into an old age pension under the conditions of the legislation by virtue of which it was granted; where appropriate, the provisions of chapter III shall apply.

## Chapter III

## OLD AGE AND DEATH INSURANCE (SURVIVORS' PENSIONS)

*Article 11**Paragraph 1*

In the case of French employed persons in Spain or Spanish employed persons in France who have been insured consecutively or alternately in the contracting countries under one or more old age or death (survivors'



pensions) insurance schemes, the insurance periods completed under those schemes and any periods recognized as equivalent to insurance periods under the said schemes shall, provided they do not overlap, be aggregated for the purpose both of the determination of the right to benefits and of the maintenance or recovery of this right.

#### *Paragraph 2*

Where the legislation of one contracting country makes the grant of certain benefits conditional upon the periods being completed in an occupation subject to a special insurance scheme, the periods completed under the corresponding special scheme or schemes of the other country shall alone be aggregated for admission to the grant of these benefits. Nevertheless, if there is no special scheme in one contracting country in respect of the given occupation, the insurance periods completed in the said occupation under one of the schemes referred to in paragraph 1 above shall be aggregated.

In particular, in the absence of a special social security scheme in the mining industry in Spain, only periods of employment completed in that industry in Spain which, if they had been completed in France, would have established entitlement to benefits under the special legislation relating to social security in the mining industry shall be deemed to qualify for aggregation with insurance periods completed under the French scheme of social security in the mining industry.

#### *Paragraph 3*

In the cases specified in paragraphs 1 and 2, each insurance authority shall determine, in accordance with the legislation to which it is subject and taking into account the aggregate number of insurance periods, irrespective of the contracting country in which the periods were completed, whether the person concerned satisfies the conditions required for entitlement to the benefits provided for in that legislation.

The administrative agreements referred to in article 28 shall specify the conditions and formalities in accordance with which insurance periods and periods treated as such completed in the two contracting countries shall be taken into account for the purpose of the determination of the said benefits.

#### *Paragraph 4*

The benefits to which an insured person shall be entitled from the French insurance authority concerned shall be determined, in principle, by fixing the amount of benefit to which the insured person would have been entitled if all the periods referred to in paragraph 1 above had been completed under the French scheme, in proportion to the length of the periods completed under that scheme.

*Paragraph 5*

If, when the aggregate number of periods referred to in paragraph 1 of this article has been taken into account, an insured person does not, at that time, satisfy the conditions imposed by the legislation of the two countries, his right to a pension under each body of legislation shall be established as and when he satisfies those conditions.

*Article 12*

Any insured person may, at the time when his right to receive a pension is established, choose not to take advantage of the provisions of article 11 of this Convention. In that case, any benefits to which he is entitled under the legislation of each country shall be paid to him separately by the insurance authorities concerned, without regard to the insurance periods or periods recognized as equivalent completed in the other country.

*Article 13*

Where the legislation of one contracting country makes the grant of certain benefits conditional upon the fulfilment of certain conditions of residence, such conditions shall not apply to Spanish or French nationals while resident in either contracting country.

However, the children's allowances provided for by the special French legislation applicable to mine workers shall be paid in accordance with the conditions laid down in that legislation.

The concurrent benefit and the special allowances provided for by the special French legislation applicable to mine workers shall be paid only to persons employed in the French mining industry.

## Chapter IV

## INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

*Article 14*

No provisions in the legislation of one Contracting Party in respect of industrial accidents and occupational diseases which limit the rights of aliens or disqualify them by reason of their place of residence shall apply to the nationals of the other Contracting Party.

The increases or supplementary allowances awarded in addition to industrial accident pensions under the legislation applicable in each contracting country shall continue to be paid to persons covered by the foregoing paragraph who transfer their residence from one country to the other.

*Article 15*

Where an employed person who has received compensation in respect of an occupational disease in one contracting country claims compensation for an occupational disease of the same nature under the legislation of his new place of employment in the other country, he must inform the competent insurance authority of the latter country of the benefits and compensation previously received for the occupational disease in question.

The insurance authority liable for the new benefits and compensation shall take the previous benefits into account as though they had been paid on its responsibility.

## Chapter V

## FAMILY ALLOWANCES

*Article 16*

The legislation of each contracting country concerning family allowances shall apply to Spanish and French nationals resident in both countries.

## Chapter VI

## SPANISH WORKERS' MUTUAL BENEFIT SCHEME ("MUTUALISMO LABORAL")

*Article 17**Paragraph 1*

French employed persons in Spain shall be entitled to benefits under the Workers' Mutual Benefit Scheme, provided that they can satisfy the requirements and can validate the non-qualifying periods established for Spanish employed persons.

*Paragraph 2*

In the case of French employed persons who do not satisfy the requirements for entitlement to a pension under the Workers' Mutual Benefit Scheme, periods of employment or insurance periods completed under the Workers' Mutual Benefit Scheme shall be validated in accordance with the following conditions :

(a) The initial period of five years, whether consecutive or not, completed in Spain shall confer entitlement to five-thirtieths of the pension to which the employed person would have been entitled on reaching the age of 60 years, at the time when he requests payment of his pension;

(b) Each year of employment completed in Spain in excess of the initial five-year period shall confer entitlement to an additional one-thirtieth of the pension.

The partial pension shall be calculated on the basis of the remuneration paid during the last two years of employment in Spain. It shall, if the occasion arises, be adjusted by the application of a revalorization coefficient equal to that applied in Spain to pensions granted during the period of the last two years completed.

#### *Paragraph 3*

The partial pensions specified in paragraph 2 shall pass to the survivors of the employed person in the proportion prescribed by Spanish legislation with respect to the total pension.

#### *Paragraph 4*

The pension under the unified Spanish social security scheme shall not be reduced where the beneficiary is in receipt of a partial pension under the Workers' Mutual Benefit Scheme calculated in accordance with paragraph 2.

#### *Paragraph 5*

Pensions or partial pensions granted to a French employed person and his survivors under this article shall be adjusted in the same proportion as those granted to Spanish nationals.

### Chapter VII

PROVISIONS COMMON TO INVALIDITY, OLD AGE AND DEATH (SURVIVORS' PENSIONS) INSURANCE, INDUSTRIAL ACCIDENT AND OCCUPATIONAL DISEASE INSURANCE AND THE SPANISH WORKERS' MUTUAL BENEFIT SCHEME

#### *Article 18*

Invalidity, old age and survivors' pensions, including pensions or partial pensions received under the provisions of article 17, and industrial accident and occupational disease pensions, including auxiliary or supplementary cash benefits, shall be paid to French and Spanish beneficiaries irrespective of the country in which they are resident.

Where the legislation of one contracting country makes the grant of benefits to survivors conditional upon the fulfilment by such persons in the said country of certain conditions of residence or presence, the benefits in question shall be provided even if such persons are in the other country.

The insurance authorities of one contracting country which are liable for benefits may, if the beneficiaries are resident or present in the other country, call upon the corresponding insurance authorities of the other country to provide the said benefits and ensure medical and administrative supervision. The corresponding costs shall be repaid.

### TITLE III

## TRANSITIONAL AND FINAL PROVISIONS

### *Article 19*

The competent authorities and insurance authorities of the two contracting countries shall assist one another in implementing this Convention, as though they were implementing their own legislation; such mutual assistance shall be free of charge. They may, also, where necessary, make investigations in the other country and have recourse to diplomatic and consular authorities.

Medical examinations required by the insurance authorities of one contracting country in respect of an insured person who is in the other country shall be carried out by the competent insurance authority of the latter country, at the request and on behalf of the insurance authority liable for the benefits.

### *Article 20*

The diplomatic and consular authorities of the two contracting countries may apply directly to the competent authorities and insurance authorities of the other country with a view to obtaining any information required to protect the interests of their nationals.

### *Article 21*

Any exemption from duties, charges or fees provided for in the legislation of one contracting country shall also apply to nationals of the other country for the purposes of this Convention.

Payment of taxes for certification and legalization by diplomatic or consular authorities shall be fully waived in respect of all certificates, documents and papers required to be produced for the purposes of this Convention.

### *Article 22*

For the purpose of implementing this Convention, the competent authorities and insurance authorities of the two contracting countries shall

communicate directly with one another and with the insured persons or their agents. Such correspondence shall be drawn up in the official language of either country.

*Article 23*

Claims addressed by the insured to the competent authorities and insurance authorities of one contracting country for the purposes of this Convention, and any certificates required for the purposes of the legislation specified in article 2, may not be rejected on the ground that they are drawn up in the official language of the other country.

*Article 24*

Claims and certificates submitted to the competent authorities or insurance authorities of one contracting country shall be treated as though they had been submitted to the corresponding authorities or insurance authorities of the other country.

*Article 25*

Appeals which must be presented within a prescribed period to a competent authority or insurance authority of either contracting country shall be admissible if they are presented within the same period to a corresponding authority or insurance authority of the other country. In such cases, the latter authority or insurance authority shall without delay transmit the appeal to the competent authority or insurance authority of the first-mentioned country and shall acknowledge receipt thereof to the person concerned.

*Article 26*

Nothing in this Convention shall in any way invalidate the rules laid down in the legislation specified in article 2 for the participation of aliens in the elections connected with the functioning of social security schemes.

*Article 27*

Any provisions adopted unilaterally by one contracting country for the purpose of implementing this Convention shall be communicated in duplicate to the competent authorities of the other country through the diplomatic channel.

The competent authorities of the two countries shall duly notify one another in duplicate through the diplomatic channel of any provisions amending or supplementing the legislation specified in article 2.

*Article 28*

The competent authorities of the two contracting countries shall, as the need arises, jointly establish in administrative agreements the measures required for the implementation of this Convention. The said authorities may, in particular, adopt any provisions to prevent concurrence of benefits, to establish rules for determining insurance periods or periods recognized as equivalent and to arrange for the provision of benefits and supervision.

*Article 29*

Any difficulties relating to the implementation of this Convention shall be resolved by agreement between the competent authorities of the two contracting countries.

Where it is impossible to reach a solution by this means, the dispute shall be submitted to arbitration in accordance with a procedure agreed upon by the two Governments. The arbitral body shall resolve the dispute in accordance with the spirit and fundamental principles of this Convention. Its decisions shall be binding and final.

*Article 30*

The insurance authorities of one contracting country which are liable for benefits payable in the other country under this Convention shall be held to discharge their liability validly by payment in the currency of their country in accordance with the payment agreements in force.

If regulations are at any time adopted in either contracting country with a view to imposing restrictions upon the exchange of currency, measures shall be taken forthwith by the two Governments to ensure, in accordance with the provisions of this Convention, the reciprocal transfer of moneys due.

*Article 31*

Any formalities that may be presented by the laws or regulations of one of the contracting States in respect of the payment of benefits outside its territory shall apply, under the same conditions as apply to nationals of that State, to persons entitled to receive benefits by virtue of this Convention.

*Article 32*

Any benefits payable under the legislation specified in article 2 which have not been paid or which have been suspended prior to the entry into force of this Convention shall be paid or reinstated in both contracting countries as from the date of the entry into force of this Convention and in accordance with the provisions thereof.

The administrative agreements referred to in article 28 shall determine the conditions and manner in which periods of employment, insurance periods, enrolment periods, contribution periods or periods recognized as equivalent completed prior to the entry into force of this Convention shall be taken into account to the same extent as if the Convention had been in force while they were being completed.

*Article 33*

This Convention shall be ratified and the instruments of ratification shall be exchanged at Madrid as soon as possible. It shall enter into force on the first day of the month following the month in which the instruments of ratification are exchanged.

The Convention of 2 November 1932 concerning social insurance shall remain applicable until the entry into force of this Convention.

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

In the event of the denunciation of this Convention, any rights acquired in accordance with its provisions shall be maintained, notwithstanding any restrictive provision made in the legislation of the two contracting countries for cases where an insured person is a foreign national or is resident or present abroad.

IN WITNESS WHEREOF the aforementioned plenipotentiaries have signed this Convention and affixed their seals thereto.

DONE at Paris, on 27 June 1957, in duplicate in French and Spanish, both texts being equally authentic.

Louis JOXE

José ROJAS Y MORENO

[SEAL]

[SEAL]



## RELATED LETTER

Paris, 27 June 1957

THE AMBASSADOR OF SPAIN IN PARIS

Sir,

Upon signing the General Convention between France and Spain on social security of today's date, I have the honour to inform you of the following :

Article 1, paragraph 1, of the General Convention reads as follows : "French or Spanish employed persons or persons treated as such under the social security legislation specified in article 2 of this Convention shall be subject to the said legislation applicable, respectively, in France or Spain and they and their dependants shall, subject to their providing proof of nationality in accordance with the legislation of each contracting country, enjoy the benefits thereof under the same conditions as the nationals of each country".

I have the honour to propose that, in order to establish their eligibility for benefits under the General Convention of today's date, nationals of the two countries should prove their nationality by presenting the registration certificate referred to in the Consular Convention between France and Spain of 7 January 1862, with the exception of seasonal workers or temporarily employed persons, who shall instead present their passport.

Accept, Sir, etc.

José ROJAS Y MORENO

His Excellency the Minister  
for Foreign Affairs  
Paris

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SUPPLEMENTARY AGREEMENT<sup>1</sup> BETWEEN FRANCE  
AND SPAIN ON SOCIAL SECURITY (SOCIAL SECURITY  
SCHEME APPLICABLE TO FRONTIER WORKERS)

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

Desiring to regulate the social security scheme applicable to frontier workers in the two countries, have agreed as follows :

*Article 1*

Subject to this Supplementary Agreement, French and Spanish frontier workers shall be covered by the provisions of the General Convention between France and Spain on Social Security.<sup>2</sup>

*Article 2*

French and Spanish frontier workers shall be insured with the social security authorities of the country where they are employed.

Chapter I

SICKNESS, MATERNITY AND DEATH INSURANCE

*Article 3*

The cash benefits provided under the legislation concerning sickness, maternity and death insurance shall be paid to frontier workers in the country where they are employed, through the social security authority with which the workers are insured.

Benefits in kind provided under the said legislation may be awarded to frontier workers and their dependants either in the country where they work or in the country where they have their real and permanent residence.

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<sup>1</sup> Came into force on 1 December 1959, the date agreed upon by an exchange of letters of 15 July 1959, the instruments of ratification having been exchanged at Madrid on 11 March 1959, in accordance with article 14.

<sup>2</sup> See p. 58 of this volume.

*Article 4*

Where benefits in kind are awarded at the place of residence, the award shall be made :

- In the case of a frontier worker resident in Spain, by the Spanish social security authority with which the frontier worker is registered in his place of residence and which provides such benefits in accordance with the provisions of Spanish legislation;
- In the case of a frontier worker resident in France, by the social security authority of his place of residence which provides such benefits in accordance with the provisions of French legislation.

## Chapter II

## INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

*Article 5*

The cash benefits provided under legislation concerning compensation for industrial accidents and occupational diseases shall be paid to frontier workers in the country where they are employed through the social security authority with which the workers are insured, unless national legislation lays this obligation on the employer.

Benefits in kind provided under the said legislation may be awarded to frontier workers either in the country where they work or in the country where they have their real and permanent residence.

*Article 6*

Where the benefits in kind due under the French legislation concerning compensation for industrial accidents and occupational diseases are awarded to frontier workers at the place of their real and permanent residence in Spain, the award shall be made through the competent Spanish insurance authorities and in accordance with the provisions of the Spanish legislation relating to compensation for industrial accidents and occupational diseases.

Nevertheless, the right of the person concerned to receive orthopaedic appliances and benefits for the purpose of vocational rehabilitation may be exercised only in France and under the conditions laid down by French law.

*Article 7*

The expenses incurred through the competent Spanish insurance authorities under the conditions laid down in article 6 shall be repaid by the

French social security authorities, in an amount not exceeding the expenses which would result from the application of the rates existing in France.

*Article 8*

Where the benefits in kind due under the Spanish legislation concerning compensation for industrial accidents and occupational diseases are awarded to frontier workers at the place of their real and permanent residence in France, they shall be provided by the social security authority of their place of residence and in accordance with the provisions of the French legislation concerning industrial accidents and occupational diseases.

Nevertheless, the right of the person concerned to receive prosthetic or orthopaedic appliances may be exercised only in Spain and under the conditions laid down by Spanish law.

*Article 9*

The expenses incurred through the competent French social security authorities under the conditions laid down in article 8 shall be repaid by the Spanish social security authorities, in an amount not exceeding the expenses which would result from the application of the rates existing in Spain.

Chapter III

FAMILY ALLOWANCES

*Article 10*

Frontier workers employed in France and resident in Spain shall receive family allowances in accordance with a scale which shall take into account allowances of the same kind and increases awarded by the Supplementary Family Allowance Fund to workers of the same category in Spain; allowances paid by the French insurance authority liable for them may in no case exceed those payable to an employed person who is resident in the locality of the frontier worker's regular place of employment and whose family status is the same.

Frontier workers employed in Spain and resident in France shall receive the Spanish family allowances and increases awarded by the Supplementary Family Allowance Fund.

## Chapter IV

## GENERAL PROVISIONS

*Article 11*

The technical medical examination and supervision of sick persons shall be exercised, in the case of frontier workers and their dependants who are in receipt of benefits in kind in the country of their residence, by the social security authorities of the country in which such benefits are provided. Such examination and supervision shall be effected in accordance with the legislation governing the said authorities, but for the account of the authorities of the place of employment. The latter shall at all times have the right to ask the authorities providing the benefits for information on the progress and probable consequences of the disease or accident with a view, in particular, to the joint consideration of any preventive measures which may appear necessary.

The medical supervision of frontier workers resident in Spain who are in receipt of rest benefits under social insurance legislation or who have sustained industrial accidents, shall be effected under the conditions laid down by French legislation, by the medical supervisory authorities specified in that legislation and with the co-operation of the Spanish authorities which shall furnish assistance upon request, in particular for the organization in Spain of arrangements for the medical examination of the sick persons.

*Article 12*

The supreme administrative authorities of the two contracting States shall agree upon the amount to be repaid on a flat-rate basis by the French and Spanish insurance authorities, respectively, for sickness and maternity insurance benefits in kind provided to frontier workers of the other country and for the supervisory expenses referred to in article 11.

The supreme administrative authorities of the two contracting States may, however, agree to waive the repayments referred to in the preceding paragraph.

They shall, where appropriate, adopt measures for compensation between the authorities concerned in their own territories.

*Article 13*

The procedures for the implementation of this Supplementary Agreement shall be established in an administrative agreement.

*Article 14*

This Agreement shall be ratified and the instruments of ratification shall be exchanged at Madrid as soon as possible.

It shall enter into force on a date to be determined by agreement between the French and Spanish Governments.

It shall remain in force for a period of one year. Thereafter it shall continue in force from year to year unless it is denounced in writing three months before the expiry of any such one-year period.

DONE at Paris, on 27 June 1957, in two copies in the French and Spanish languages, both texts being equally authentic.

For the French Republic:

Louis JOXE

[SEAL]

For the Spanish State:

José ROJAS Y MORENO

[SEAL]

AGREEMENT NO. 1<sup>1</sup> SUPPLEMENTING THE GENERAL  
CONVENTION OF 27 JUNE 1957 BETWEEN FRANCE  
AND SPAIN ON SOCIAL SECURITY<sup>2</sup>

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The President of the French Republic and  
The Head of the Spanish State

Have decided to supplement the General Convention between France and Spain on Social Security signed at Paris on 27 June 1957<sup>2</sup> and, for this purpose, have appointed as their plenipotentiaries :

The President of the French Republic :

Mr. Charles Lucet, Minister Plenipotentiary and Director for Political Affairs of the Ministry of Foreign Affairs;

The Head of the Spanish State :

His Excellency Mr. José Maria de Areilza, Count of Motrico, Ambassador Extraordinary and Plenipotentiary of Spain to France;

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

*Article 1*

The dependants of a Spanish or French employed person or person treated as such who normally resides in one of the two countries while that person is exercising his activity in the other country shall be entitled to sickness and maternity insurance benefits in kind in their country of residence.

Entitlement to the benefits referred to in this article shall cease three years after the date on which the person concerned entered the territory of the new country of employment.

*Article 2*

A Spanish or French employed person or person treated as such who has acquired the right to sickness or maternity insurance benefits in kind from an insurance authority in one of the two countries and who is resident in the territory of that country shall retain that right if he transfers his

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<sup>1</sup> Came into force on 1 August 1962, i.e., the first day of the second month following the date of the last of the notifications (effected on 19 and 29 June 1962) by which each of the Contracting Parties notified the other that it had complied with the constitutional formalities required, in accordance with article 12 (2).

<sup>2</sup> See p. 58 of this volume.

residence to the territory of the other country, provided that, before transferring his residence, he obtains the authorization of the insurance authority with which he is insured; that authority shall take due account of the reason for the transfer.

*Article 3*

A Spanish or French employed person or person treated as such who is insured with a social security authority and is resident in one of the two countries shall be entitled to benefits in kind while temporarily present in his country of origin during a paid vacation if his state of health necessitates immediate medical treatment, including admission to hospital.

*Article 4*

The Spanish or French employed persons mentioned in article 3, paragraph 2, of the General Convention of 27 June 1957 shall be eligible for sickness and maternity benefits in kind for the duration of their stay in France or Spain.

*Article 5*

Where an employed person or person treated as such, or the members of his family, are entitled to benefits under articles 1, 2, 3 and 4 of this Agreement, benefits in kind shall be provided by the insurance authority of the place of residence in accordance with the provisions of the legislation applied by that authority, particularly as regards the scale of such benefits and the manner of providing them. In the cases referred to in articles 2, 3 and 4, the duration of such benefits shall be that prescribed by the legislation of the country with whose insurance authority the employed person is insured at the time when he claims such benefits.

*Article 6*

The provision of prosthesis, large appliances and other major benefits in kind shall be subject, except in cases of absolute urgency, to authorization by the insurance authority with which the person concerned is insured.

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

*Article 7*

Where an employed person or person treated as such is entitled to benefits under articles 2 and 4 of this Agreement, cash benefits shall be



paid by the insurance authority with which he was insured at the time when he claimed such benefits.

#### Article 8

The provisions of articles 2, 4, 5, 6 and 7 shall apply *mutatis mutandis* to industrial accident insurance benefits during the period of temporary incapacity.

However, benefits in kind and compensation due under the French legislation governing industrial accidents in agriculture shall be provided directly by the responsible employer or by the insurer acting for him.

#### Article 9

1. The benefits in kind provided under articles 2, 3, 4, 6 and 8 of this Agreement shall be repaid by the insurance authority with which the person concerned is insured to the insurance authority which provided them in the other country in an amount equal to the cost of the said benefits.

In the case of benefits in kind provided to the family members mentioned in article 1 of this Agreement, the scheme governing the insurance authority with which the person concerned is insured shall be obliged to repay to the insurance authority which provided them sums equivalent to three quarters of the cost of the said benefits.

2. The cost of the benefits specified in paragraph 1, second subparagraph, shall be calculated on a flat-rate basis.

3. The competent French and Spanish authorities may, in particular if they wish to simplify the procedure, decide by agreement that no repayment shall be effected between the insurance authorities of the two countries.

#### Article 10

For Spanish and French nationals employed in one of the two countries on the date on which this Agreement enters into force, that date shall be the date from which the time-limit specified in article 1 shall be calculated.

#### Article 11

The procedures for the implementation of this Agreement shall be established in administrative agreements.

#### Article 12

1. This Agreement shall remain in force for a period of one year. Thereafter it shall continue in force from year to year unless it is denounced in

writing by one of the Parties six months before the expiry of any such one-year period.

2. Each Contracting Party shall notify the other when the constitutional formalities required in that country for the entry into force of this Agreement have been completed.

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

IN WITNESS WHEREOF the aforementioned plenipotentiaries have signed this Agreement and affixed their seals thereto.

DONE at Paris, on 12 April 1962, in four copies, two in French and two in Spanish, both texts being equally authentic.

For the President  
of the French Republic:

Charles LUCET

[SEAL]

For the Head  
of the Spanish State:

José Maria DE AREILZA

[SEAL]

AGREEMENT<sup>1</sup> AMENDING AGREEMENT NO. 1 OF  
12 APRIL 1962<sup>2</sup> SUPPLEMENTING THE GENERAL  
CONVENTION OF 27 JUNE 1957 BETWEEN FRANCE  
AND SPAIN ON SOCIAL SECURITY<sup>3</sup>

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

Desiring to improve the situation of the families of persons employed in one country which remain in the other country, have decided to amend as follows the provisions of Agreement No. 1 of 12 April 1962<sup>2</sup> supplementing the General Convention on Social Security between France and Spain :<sup>3</sup>

*Article 1*

The second paragraph of article 1 of Agreement No. 1 of 12 April 1962 shall be abrogated and replaced by the following text :

“Entitlement to the benefits referred to in this article shall cease six years after the date on which the person concerned entered the territory of the new country of employment.”

*Article 2*

Each Contracting Party shall notify the other when the constitutional formalities required in that country for the entry into force of this Agreement have been completed.

This Agreement 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]

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<sup>1</sup> Came into force on 1 December 1964, i.e., the first day of the second month following the last of the notifications (effected on 15 and 16 October 1964) by which each of the Contracting Parties informed the other of the fulfilment of the constitutional formalities required, in accordance with article 2.

<sup>2</sup> See p. 79 of this volume.

<sup>3</sup> See p. 58 of this volume.

AGREEMENT NO. 2<sup>1</sup> SUPPLEMENTING THE GENERAL  
CONVENTION OF 27 JUNE 1957 BETWEEN FRANCE  
AND SPAIN ON SOCIAL SECURITY<sup>2</sup>

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

Desiring to improve the situation of annuitants and pensioners who have returned to their country of origin, have decided to supplement the General Convention between France and Spain on Social Security signed at Paris on 27 June 1957<sup>2</sup> and, for this purpose, have agreed as follows :

*Article 1*

French and Spanish nationals who, in accordance with article 11 of the General Convention of 27 June 1957, have been paid an old age benefit as a result of the aggregation of insurance periods, shall be eligible or become eligible to receive sickness benefits in kind in accordance with the conditions laid down by the legislation of their country of residence.

The benefits in kind shall be provided by the social security authorities liable for them in the country of residence.

*Article 2*

This Agreement shall be approved in accordance with the constitutional provisions in force in each of the two countries.

This Agreement shall enter into force on the first day of the second month following the exchange of notifications indicating that the said provisions have been complied with in each country.

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]

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<sup>1</sup> Came into force on 1 December 1964, i.e., the first day of the second month following the exchange of the notifications (effected on 15 and 23 October 1964) stating that both Parties had complied with the constitutional provisions in force in each of the two countries, in accordance with article 2.

<sup>2</sup> See p. 58 of this volume.