

**No. 10900**

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**FRANCE  
and  
MADAGASCAR**

**Supplementary Agreement concerning the social security scheme  
for seamen. Signed at Tananarive on 8 November 1969**

*Authentic text: French.*

*Registered by France on 31 December 1970.*

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**FRANCE  
et  
MADAGASCAR**

**Accord complémentaire relatif au régime de sécurité sociale des  
marins. Signé à Tananarive le 8 novembre 1969**

*Texte authentique : français.*

*Enregistré par la France le 31 décembre 1970.*

[TRANSLATION — TRADUCTION]

## SUPPLEMENTARY AGREEMENT<sup>1</sup> CONCERNING THE SOCIAL SECURITY SCHEME FOR SEAMEN

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

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,

Have decided to conclude, within the framework of the Convention on Social Security, signed on 8 May 1967,<sup>2</sup> an agreement to co-ordinate the application to French and Malagasy seamen of the French and Malagasy 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 Malagasy registry and employed seamen of Malagasy nationality engaged on board vessels of French registry which have ship's articles,

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

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<sup>1</sup> Came into force on 1 December 1970, i.e., the first day of the third month following the last of the notifications, effected on 9 September 1970, by which each of the Contracting Parties notified the other of the completion of the constitutional procedures required, in accordance with article 16.

<sup>2</sup> See p. 249 of this volume.

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 ship-owner.

2. The provisions of this Agreement shall apply to the following territories:

In relation to France: the European departments and the overseas departments (Guadeloupe, Martinique, French Guiana, Réunion) of the French Republic;

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

### *Article 2*

1. The provisions of this Agreement shall apply:

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.

In relation to Madagascar, to

- (a) The legislation relating to the retirement scheme for workers in the private sector;
- (b) The legislation relating to the prevention of and compensation for industrial accidents and occupational diseases.

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

##### INDUSTRIAL ACCIDENTS AND DISEASES SUSTAINED OR CONTRACTED AT SEA

### *Article 4*

Entitlement to benefits in kind and cash, in the event of industrial accidents sustained or diseases contracted at sea by a French or Malagasy 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 scheme for seamen of either Contracting Party shall be aggregated, provided that they do not overlap.

### *Article 5*

1. Where entitlement to benefits is conferred in the manner specified in article 4, a French or Malagasy seaman 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 seamen who, after an industrial accident sustained or a disease contracted at sea, and in pursuance of the legislation of either Contracting Party concerning employment, 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.

4. In the case specified in paragraph 1 of this article, 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.

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

#### *Article 6*

In the case of a transfer of residence, as specified in article 5, cash benefits shall be provided by the insuring institution, in accordance with the legislation applicable to it and with procedures to be laid down in an administrative arrangement.

In the case of a disease contracted at sea, however, cash benefits may be provided for a maximum period of six months.

#### *Article 7*

The provisions of articles 5 and 8 of the Convention on Social Security between the Government of the French Republic and the Government of the Malagasy Republic of 8 May 1967 shall be extended to seamen.

## Chapter II

### OLD AGE INSURANCE

#### *Article 8*

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 9*

The agencies responsible in each State 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 they receive for paying similar benefits to their 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 10*

The provisions of this Agreement relating to old age pensions shall apply, where appropriate, to the rights of surviving spouses and children.

#### *Article 11*

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.

## TITLE III

## MISCELLANEOUS PROVISIONS

*Article 12*

In each of the two contracting 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 13*

The provisions of articles 11, 12 and 13 of the Convention on Social Security between the Government of the French Republic and the Government of the Malagasy Republic shall be extended to seamen; for the purposes of the application of those provisions, the competent administrative authorities shall be those specified in article 15 of the said Convention.

*Article 14*

The provisions of articles 16 to 23 inclusive of the Convention on Social Security between the Government of the French Republic and the Government of the Malagasy Republic shall also apply to this Agreement.

*Article 15*

All the provisions in the Protocol of 8 May 1967<sup>1</sup> concerning the retention of certain sickness insurance benefits by French or Malagasy persons covered by social insurance who move to Madagascar shall apply where appropriate, to seamen.

*Article 16*

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.

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<sup>1</sup> See p. 249 of this volume.

*Article 17*

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 Tananarive on 8 November 1969 in duplicate.

For the Government  
of the French Republic:

Alain PLANTEY  
Ambassador Extraordinary  
and Plenipotentiary  
High Representative of the French  
Republic in Madagascar

For the Government  
of the Malagasy Republic:

TSIEBO  
Vice-President of the Government  
Minister of Labour  
and Social Legislation