

**No. 11553**

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**FRANCE  
and  
PORTUGAL**

**Agreement concerning the migration, recruitment and  
employment of Portuguese workers in France (with  
annexes). Signed at Lisbon on 31 December 1963**

*Authentic texts: French and Portuguese.*

*Registered by France on 2 February 1972.*

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**FRANCE  
et  
PORTUGAL**

**Accord concernant la migration, le recrutement et le  
placement de travailleurs portugais en France (avec  
annexes). Signé à Lisbonne le 31 décembre 1963**

*Textes authentiques : français et portugais.*

*Enregistré par la France le 2 février 1972.*

[TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE FRENCH GOVERNMENT  
AND THE PORTUGUESE GOVERNMENT CONCERNING  
THE MIGRATION, RECRUITMENT AND EMPLOY-  
MENT OF PORTUGUESE WORKERS IN FRANCE

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The Government of the French Republic and

The Government of the Portuguese Republic,

Having regard to the bonds of friendship between the two countries,

Recognizing that it is in their common interest and in the interest of migrant workers to regulate the latter's recruitment and placement, have agreed as follows:

*Article 1*

1. The competent agencies for the recruitment of workers and their immigration into France shall be:

- on the Portuguese side, the Emigration Board (Junta da Emigração) (referred to simply as "the Board");
- on the French side, the National Immigration Bureau (Office national d'immigration) (referred to simply as "the Bureau").

2. To that end, the Bureau shall establish in Portugal an official mission which shall collaborate with the Portuguese authorities.

*Article 2*

1. The Bureau shall transmit to the Board, at least once every six months, an estimate of requirements in respect of Portuguese workers, classified by branch of economic activity, category and occupation.

2. The Board for its part shall inform the Bureau as soon as possible of the availability of workers wishing to work in France.

*Article 3*

1. The Bureau shall supply the Board with all such information on the general conditions of remuneration and work and on living conditions as may be of concern to the said workers, particularly with regard to the right to work and to social security.

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<sup>1</sup> Came into force on 31 December 1963 by signature, in accordance with article 19.

2. It shall in particular supply all details on remuneration, the average working hours in the various economic activities, the amounts withheld from wages for social security, as well as all information on prices, the cost of living in general and on the conditions for the transfer of the workers' savings.

3. This information shall be brought up to date as and when necessary.

#### *Article 4*

Portuguese workers wishing to work in France shall be recruited in accordance with the rules laid down in annex I to this Agreement.

#### *Article 5*

1. Portuguese nationals coming to work in France shall be given a contract of employment certified by the services of the French Ministry of Labour.

That contract, written in French and accompanied by a Portuguese translation, certified as a true rendering of the French text, shall be based on the model contract in force at the time of signature of this Agreement.

The Board shall be notified of any amendments which it is proposed to make to the model contract so that it may comment thereon.

2. Portuguese workers, and members of their families who accompany or join them, shall enter French territory under a valid Portuguese passport issued by the competent authorities and bearing a French visa. The visa shall be free of charge.

3. The competent French authorities shall facilitate the acquisition of residence and work documents for the workers recruited under this Agreement.

4. The above provisions relating to entry and residence shall be applicable subject to the legislative or statutory provisions concerning the maintenance of public policy, the security of the State and public health.

#### *Article 6*

Representatives of the French employers approved by the Bureau may, where appropriate, participate in the occupational evaluation of applicants for emigration, by arrangement with the Board.

#### *Article 7*

1. Portuguese workers in France must receive, for equal work, remuneration equal to that of French nationals employed in the same occupation and in the same area.

2. Portuguese workers in France shall enjoy full equality of treatment with French nationals as regards the implementation of laws, regulations and custom governing occupational safety, health and working conditions.

*Article 8*

Where, for good and sufficient cause, a recruited worker is turned down by his French employers, or where a contract is terminated for reasons beyond the worker's control, the French Labour Offices shall endeavour to offer the worker concerned employment corresponding to his skills.

*Article 9*

Portuguese workers resident in France shall be subject, for social security purposes, to the provisions laid down for them in the conventions in force between France and Portugal.

*Article 10*

Portuguese workers in France shall be subject to the French tax system particularly with regard to taxes on income from work.

*Article 11*

Portuguese workers may transfer their savings to Portugal in accordance with the exchange provisions in force in France at the time the transfer is made.

*Article 12*

The French authorities shall take the necessary steps to ensure that Portuguese workers are made as welcome as possible in France and to facilitate their settling in. They shall encourage French employers and French private organizations to follow suit.

*Article 13*

1. Access to public vocational training centres under the authority of the French Government shall be open to Portuguese permanent workers and the members of their families.

2. Admission to the centres shall be granted under France's guidance and employment policy on the same conditions as for French nationals and to the extent compatible with the number of places available. Portuguese workers shall be entitled to the same benefits in the centres as are granted to French workers.

*Article 14*

1. Any disputes that may arise between French employers and Portuguese workers shall be settled according to the procedure applicable to French workers.
2. Within the limits of their authority, Portuguese consuls shall assist Portuguese workers in all disputes.

*Article 15*

1. The French Government shall encourage the admission to France of the spouse and minor children (sons under 18 years and daughters under 21 years of age) of year-round workers in France.
2. The admission to France of members of the families of Portuguese workers shall be conditional on the existence of adequate accommodation.
3. Members of Portuguese families must satisfy the health requirements in force for the residence of aliens in French territory.
4. The Portuguese Government for its part shall undertake to make all necessary arrangements to simplify formalities and reduce the number of documents required of members of the families of workers who are going to join the latter.
5. The Bureau shall be responsible for the entry into France of the Portuguese families, in liaison with the Board.
6. Details on the procedure for the reuniting of families are given in annex II to this Agreement.

*Article 16*

The recruitment of Portuguese seasonal workers coming to France shall be organized in accordance with the rules laid down in annex III to this Agreement.

*Article 17*

The personal effects, household effects in use and tools of the workers and their families shall be exempt from customs duties on entry into and departure from France subject to the statutory provisions in force.

*Article 18*

1. There shall be established a Joint Commission, composed of representatives of each country, which shall meet at the request of either Party in Portugal and in France alternately.

2. The representatives may be assisted by experts.
3. The Joint Commission shall deal with any difficulties that may arise from the implementation of this Agreement as well as problems relating to the recruitment and immigration of Portuguese workers.
4. It may propose the revision of the Agreement and its annexes.

*Article 19*

1. This Agreement shall enter into force on the date of its signature.
2. It shall remain in force for two years and shall be automatically extended from year to year unless it is denounced three months before the date of expiry.

DONE at Lisbon, on 31 December 1963, in duplicate, in French and Portuguese, both texts being equally authentic.

For the Government  
of the French Republic:

[Signed]

E. DE BEAUVERGER

[SEAL]

For the Government  
of the Portuguese Republic:

[Signed]

A. FRANCO NOGUEIRA

[SEAL]

ANNEX I<sup>1</sup>

RECRUITMENT PROCEDURE

*Article 1*

OPEN RECRUITMENT

Open recruitment means the recruitment of a stated number of workers. Recruitment, selection and transfer to France shall be effected in accordance with the following rules:

(1) As part of the data referred to in article 2 of the Agreement, the mission of the Bureau shall inform the Board, at least once every six months, of the approximate number of workers requested, classified by occupation.

It shall at the same time give all information on the nature, type and duration of the proposed employment, gross and net remuneration, the conditions of work, the facilities for housing and feeding the workers, and any other useful information.

<sup>1</sup> As from 1 September 1971, the provisions of this annex have been replaced by those of annex I to the Protocol of 29 July 1971 concerning the immigration and social status of Portuguese workers and their families in France (see p. 283 of this volume).

(2) The age-limit shall be fixed

- In the case of agricultural workers, at 45 years;
- In the case of mine workers, at 35 years;
- In the case of other categories of workers, at 40 years.

Exceptions may be made in the case of workers who have special skills or workers with large families consisting of children between the ages of 5 and 20.

(3) If the response to the request for workers is favourable, the Board shall so inform the mission, within one month, in as precise a fashion as possible.

(4) Applicants shall be proposed to the Bureau by the Board in the premises placed at its disposal, where their occupational selection shall take place.

A list of the applicants thus selected shall be drawn up.

(5) The selected applicants shall be provided with a passport as soon as possible so that, so far as possible, they may present themselves at the premises of the mission within 45 days following their selection.

(6) Applicants who have passed the initial medical examination shall be sent by the Board for the corroborative medical examination of the Bureau at the premises of the mission.

The medical requirements which the workers must satisfy shall be communicated to the Board.

(7) Every worker found to be fit for emigration shall receive at the premises of the mission and after signing it, a contract of employment drawn up in the manner prescribed in article 5 of the Agreement.

The contract of employment, signed by the employer and certified by the competent authorities of the French Ministry of Labour, shall include the fullest possible particulars of the terms of employment, the work to be done and the special skills required of the workers concerned.

(8) Before their departure, workers shall receive from the Board and the mission of the Agency all necessary information concerning their travel, the transfer of their savings, the issuance of residence and work permits and the emigration of their families to France.

## Article 2

### INDIVIDUAL RECRUITMENT

Recruitment, selection and travel to France shall be effected in accordance with the following rules:

(1) Individual requests from employers shall be transmitted by the Bureau to the workers concerned and to the Board concurrently.

In case of disagreement the Board shall inform the Bureau.

(2) The initial and corroborative medical examinations and travel to the place of employment shall be effected in the same manner as for open recruitment.

The worker shall receive, at the premises of the mission and after signing it, a contract of employment drawn up in the manner prescribed in article 5 of the Agreement.

In addition to the surnames and given names of the worker and the employer, the contract shall specify any special conditions attaching to the contract, particularly its duration, the remuneration and the relevant skills.

## GENERAL PROVISIONS

### *Article 3*

(1) The Board and the Bureau shall take the necessary action to facilitate the earliest possible departure of Portuguese workers.

(2) The French authorities shall take all necessary steps to ensure that workers are made welcome in France, particularly as regards transport, accommodation and assistance.

### *Article 4*

(1) The costs of the medical examinations carried out by the Portuguese authorities, of applicants' travel from their place of residence to the places in Portugal where such examinations are held, and of their board and lodging while at these examination centres shall be borne by Portugal.

(2) The costs of the corroborative medical examination and of occupational selection incurred by the Bureau shall be borne by France.

(3) The costs of travel of recruited workers from their point of departure in Portugal to their place of employment in France shall be borne by the Bureau.

## ANNEX II

### REUNITING THE FAMILIES OF YEAR-ROUND PORTUGUESE WORKERS IN FRANCE

The procedure for the entry into France of Portuguese families shall be as follows:

(1) When the competent French authorities have decided to consider an application for the reuniting of a family, the file shall be transmitted to the Bureau.

(2) The mission of the Bureau in Portugal shall notify the Board of any files on the reuniting of families which it may receive. At the same time, it shall inform the families concerned of such notification and shall supply them with the necessary information on the procedure to be followed.

(3) The Board shall arrange for an initial medical examination of the families. The medical requirements to which the families shall be subject shall be communicated to the Board.

At the conclusion of the final corroborative medical examination, which shall be carried out and paid for by the Bureau under article 15 of the Agreement, the visas for entry into France shall be issued free of charge to those concerned.



(4) The Board shall take all appropriate steps to assist the families and to facilitate their emigration in the shortest possible time.

The Bureau for its part, shall take all appropriate steps to ensure that the immigration of the families takes place in the best possible material and moral conditions.

(5) Families immigrating into France may avail themselves of the welfare facilities of any French agencies authorized for the purpose.

(6) All other practical procedures pertaining to the movement of families shall be established by mutual agreement between the Bureau and the Board.

The two bodies shall also take all necessary steps to inform members of families, for whom an application for reuniting has been made, of the advantages of the regular procedure for the admission of families and of the risks which they run by not following that procedure.

### ANNEX III

#### RECRUITMENT OF SEASONAL WORKERS

##### *Article 1*

A seasonal worker is a person who, being employed in France for a limited period, always less than one year, holds a contract of employment bearing the word "seasonal".

##### *Article 2*

The selection and travel to France of seasonal workers shall be effected in accordance with the following rules:

(1) The Bureau shall inform the Board in good time of the estimated requirements in respect of Portuguese seasonal workers.

The Board shall state the extent to which it can satisfy these requirements.

(2) The Bureau shall send the Board the schedule of requirements, which shall specify, for each operation, the approximate number of workers requested. It shall state the probable dates on which the workers should have reached their place of employment in France and shall give general information on remuneration and working conditions.

(3) The Board shall inform the Bureau within a period of 21 days of the classification of workers by occupation. It shall propose applicants to the Bureau in premises which the Board shall designate, where occupational selection shall take place.

Applicants thus selected shall undergo a corroborative medical examination in the manner prescribed in annex I, article 1, paragraph 6.

(4) The Board shall arrange for the prompt dispatch of the selected workers to the premises of the Bureau's mission.

(5) All workers found to be fit shall, at the premises of the mission, sign two copies of the contract of employment, one copy of which they shall keep in their possession.

If changes are made to the model contracts in force at the date of signature of the Agreement, they shall be notified to the Board so that the latter may make any comments it may deem necessary.

(6) Portuguese seasonal workers must not in principle be less than 18 or more than 45 years old, with the exception of certain workers who have special occupational skills or those who have children between 5 and 18 years of age.

(7) Requests made by employers for specific seasonal workers shall be notified by the Bureau at the same time to the worker concerned and to the Board.

The issuance of documents and the dispatch of workers holding contracts under the individual recruitment procedure shall be effected in the manner prescribed for open recruitment.

#### *Article 3*

The travel and reception of Portuguese seasonal workers shall be effected in accordance with the following rules:

(1) Prior to departure, selected Portuguese workers shall be given any information that will facilitate their arrival at their destination and on conditions for transferring their savings and on conditions of work and remuneration.

(2) Seasonal workers holding contracts certified by the French Ministry of Labour shall enter French territory under a valid Portuguese passport issued by the competent authorities and bearing a French visa for a period at least equal to that of the contract of employment.

During the term of the contract, the visa shall serve as a residence permit.

(3) The costs of occupational selection and of corroborative medical examination in Portugal and the costs of transport, lodging, board and reception of the recruited workers from their point of departure from Portugal to their place of employment in France shall be borne by the Bureau.

(4) The competent French and Portuguese authorities shall, each in so far as concerns them, make the necessary arrangements to ensure that seasonal workers, during their journey, reception and stay in France, are given the best possible facilities as regards transport and reception.

#### *Article 4*

(1) Portuguese seasonal workers shall be paid either in accordance with the collective agreements or, failing these, in accordance with the legislation applying to French workers of the same occupation and skills in the same area.

(2) Portuguese seasonal workers shall benefit from the provisions laid down for them in the social security conventions in force.

#### *Article 5*

Any disputes that may arise between employers and Portuguese seasonal workers shall be settled according to the general procedure applicable to French workers.