

No. 13377

FRANCE
and
PORTUGAL

General Convention on social security (with general protocol). Signed at Lisbon on 29 July 1971

Authentic texts: French and Portuguese.

Registered by France on 31 May 1974.

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[TRANSLATION — TRADUCTION]

GENERAL CONVENTION¹ ON SOCIAL SECURITY BETWEEN FRANCE AND PORTUGAL

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

Being resolved to co-operate more closely in the social field;

Reaffirming 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;

Wishing to provide for workers of either country who are or have been engaged in employment in the other country improved guarantees of the rights that have acquired;

Having decided, for this purpose, to conclude a new General Convention on Social Security to replace the preceding Convention,

Have agreed as follows:

PART I. GENERAL PROVISIONS

Article 1

Paragraph 1. French nationals engaged in employment in Portugal or in an activity treated as such shall be subject to the social security legislation specified in article 5 below and applying in Portugal, and they and their dependants resident in Portugal shall enjoy the benefits thereof under the same conditions as Portuguese nationals.

Paragraph 2. Portuguese nationals engaged in employment in France or in an activity treated as such shall be subject to the social security legislation specified in article 5 below and applying in France, and they and their dependants resident in France shall enjoy the benefits thereof under the same conditions as French nationals.

Article 2

Paragraph 1. French nationals resident in Portugal shall have the option of being admitted to the voluntary insurance scheme provided for under Portuguese legislation and of enjoying the benefits thereof under the same conditions as Portuguese nationals, account being taken, as appropriate, of insurance periods or equivalent periods completed under the French system.

Paragraph 2. Portuguese nationals resident in France shall have the option of being admitted to the voluntary insurance scheme provided for under French

¹ Came into force on 1 April 1973, i.e., the first day of the third month following the date of the last of the notifications (effected on 27 April 1972 and 25 January 1973) by which each Contracting Party informed the other of the completion of the required constitutional procedures, in accordance with article 65.

legislation and of enjoying the benefits thereof under the same conditions as French nationals, account being taken, as appropriate, of insurance periods or equivalent periods completed under the Portuguese system.

Paragraph 3. The provisions of article 1 shall not prevent French workers subject to the Portuguese social security systems and Portuguese workers subject to the French social security system from contributing or continuing to contribute to the voluntary insurance scheme provided for under the legislation of the country of which they are nationals.

Article 3

Paragraph 1. The general and specific provisions of this Convention shall apply to the nationals of either Contracting State who are or have been engaged, as permanent or seasonal workers, in employment or in an activity treated as such and to their dependants.

Paragraph 2. This Convention shall apply, under conditions to be determined by administrative agreement, to workers covered by the Portuguese special social welfare scheme for agricultural workers.

Paragraph 3. The following shall be excepted from the application of this Convention:

1. Workers other than those engaged in employment or in an activity treated as such;
2. Civil servants and military personnel and persons treated as such;
3. Career diplomatic and consular officers, including officials on the staff of chancelleries.

Article 4

The territories to which the provisions of this Convention shall apply are those defined in paragraph I of the General Protocol of 16 November 1957.

Article 5

Paragraph 1. The provisions of this Convention shall apply:

1. In relation to France, to:
 - (a) The legislation relating to the organization of social security;
 - (b) The legislation relating to social insurance applicable:
 - To persons employed in non-agricultural occupations, and
 - To persons employed in agricultural occupations and persons treated as such,with the exception of provisions which extend the option of being admitted to a voluntary old-age insurance scheme to French nationals engaged in employment or other work outside French territory;
 - (c) The legislation relating to the prevention of, and compensation for, industrial accidents and occupational diseases;

- (d) The legislation relating to family benefits, with the exception of the maternity allowance;
 - (e) The legislation relating to special social security schemes, in so far as they concern the risks and benefits covered by the legislation specified in the foregoing paragraphs, and, in particular, the social security scheme for the mining industry;
 - (f) The legislation relating to seafarers, under the conditions laid down, as appropriate, by the administrative agreement relating to the application of this Convention.
2. In relation to Portugal, to:
- (a) The general legislation relating to social welfare covering sickness, maternity, disability, old-age and death insurance;
 - (b) The legislation relating to industrial accidents and occupational diseases;
 - (c) The legislation relating to special social welfare schemes, in so far as it concerns the risks and benefits covered by the legislation specified in the foregoing paragraphs, and, in particular, the legislation relating to the personnel of concessionary public transport enterprises, subject to the provisions of article 3, paragraph 2;
 - (d) The legislation relating to family allowances.

Paragraph 2. This Convention shall also apply to all laws or regulations by which the legislation specified in paragraph 1 of this article is amended or supplemented.

This Convention shall not, however, apply to:

- 1. Laws or regulations covering a new branch of social security unless the Contracting States have concluded an agreement to that effect;
- 2. 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 6

Notwithstanding the provisions of article 1 of this Convention:

- 1. The following shall not be subject to the social security system of the country of the place of employment, and shall remain subject to the social security system of the country of origin:
 - (a) *Ipsa facto*, employed persons sent by their employer to the other country for the purpose of carrying out a specific assignment, provided that the duration of the assignment does not exceed three years, including periods of leave;
 - (b) Subject to prior and mutual agreement between the competent administrative authorities of the two countries or the authorities which they have designated for that purpose, employed persons sent by their employer to the other

country for the purpose of carrying out a specific assignment the duration of which, whether or not it is originally intended to be so, is extended beyond three years.

2. Employed persons, other than those referred to in article 3 (para. 3.2), in the service of an administrative department of one of the Contracting States who are sent to the territory of the other State shall continue to be subject to the social security system of the sending State.

3. Employed persons who are employed in diplomatic or consular missions, other than those referred to in article 3 (para. 3.3), or who are in the personal employ of officers of such missions, shall have the option of being subject to the legislation of the sending State, provided that such persons are not nationals of the other State.

4. Employees of public or private transport enterprises in either Contracting State who are employed in the territory of the other State, either temporarily or as travelling personnel, shall be subject to the social security system in force in the territory of the State in which the enterprise has its head office.

Article 7

The competent administrative authorities of the Contracting States may, by agreement, and in the interest of workers of either country, provide for other exceptions to the provisions of article 1.

On the other hand, they may agree that the exceptions provided for in the preceding article shall not apply in particular cases.

PART II. SPECIAL PROVISIONS

Chapter I. SICKNESS AND MATERNITY INSURANCE

Article 8

Portuguese workers engaged in employment in France and French workers engaged in employment in Portugal shall be eligible, together with members of their families who accompany them, for the sickness and maternity insurance benefits provided for under the legislation of the new country of residence if:

1. They have been engaged, in that country, in an occupation subject to insurance;
2. They satisfy in that country the conditions imposed for receipt of such benefits.

If the persons concerned have not completed the insurance period required under the legislation of the new country of employment for eligibility for sickness and maternity insurance benefits, the insurance periods or equivalent periods previously completed in the preceding country of employment shall be added to the insurance periods or equivalent periods completed in the new country of employment.

However, such periods may be aggregated only if not more than one month has elapsed between the end of the insurance period in the first country and the beginning of the insurance period in the new country of employment.

Article 9

Portuguese seasonal workers employed in France in agriculture, together with members of their families who accompany them, shall be eligible under the French sickness insurance system only in respect of illnesses contracted after their arrival in France, as verified by the medical supervisors of the Caisse de mutualité sociale agricole.

In determining eligibility for benefits, account shall be taken, as necessary and in accordance with the conditions specified in article 8 of this Convention, of the insurance periods or equivalent periods previously completed under Portuguese legislation.

If, despite aggregation of the insurance periods or equivalent periods completed in the two countries, the persons concerned fail to satisfy the normal conditions for eligibility imposed by the French legislation relating to agricultural social insurance, they shall receive, during each of their stays in France, the same treatment as newly insured persons under 25 years of age.

Article 10

A French employed person working in Portugal or a Portuguese employed person working in France, who has acquired the right to sickness benefits from, in the first instance, a Portuguese institution or, in the second instance, a French institution, shall retain the right to such benefits if he transfers his residence to the territory of the other country, provided that, prior to his departure, he obtains the authorization of the Portuguese or French institution with which he is insured.

Such authorization shall be valid for a maximum period of three months.

This period may, however, be extended for a further three months by a decision of the insuring institution on the basis of a favourable opinion by its medical supervisors.

In cases of exceptionally serious illness, as defined by the administrative agreement, the insuring institution may allow benefits to be continued after the expiry of the above-mentioned period of six months, in accordance with the conditions specified in that agreement.

Article 11

A French woman employed in Portugal who has acquired the right to maternity insurance benefits from a Portuguese institution shall be eligible for benefits under the French maternity insurance scheme if she transfers her residence to French territory, provided that, prior to her departure, she obtains the authorization of the Portuguese institution with which she is insured.

A Portuguese woman employed in France who has acquired the right to maternity insurance benefits from a French institution shall be eligible for bene-

fits under the Portuguese maternity insurance scheme if she transfers her residence to Portuguese territory, provided that, prior to her departure, she obtains the authorization of the French institution with which she is insured.

The authorization referred to in the two preceding paragraphs shall be valid until the expiry of the period of benefit provided for under the legislation of the new country of residence.

However, in cases of pathological pregnancy or the after-effects of pathological delivery this period may be extended upon presentation of proof and on the basis of an opinion by the medical supervisors of the insuring institution.

Article 12

A French employed person working in Portugal or a Portuguese employed person working in France shall be entitled to sickness insurance benefits while staying temporarily in his country of origin during his annual paid leave when his state of health necessitates medical treatment, including hospitalization, provided that the Portuguese or French institution with which he is insured has given its approval.

Such authorization shall be valid for a maximum period of three months.

This period may, however, be extended for a further three months by a decision of the insuring institution on the basis of a favourable opinion by its medical supervisors.

Article 13

In the cases specified in articles 10, 11 and 12:

- Benefits in kind (treatment) shall be provided by the institution in the new country of residence or the country in which the employed person is staying in accordance with the provisions of the legislation applicable in that country as regards the scale of such benefits and the manner of providing them;
- Cash benefits (daily allowances) shall be paid directly by the institution of the country in which the employed person is insured.

Article 14

In the cases specified in articles 10, 11 and 12, the cost of benefits shall be borne by the institution with which the employed person is insured. The administrative agreement shall determine the manner in which benefits in kind shall be reimbursed by the insuring institution to the institution in the new country of residence or the country in which the employed person is staying.

Article 15

If medical treatment is still required after the expiry of the prescribed period of six months, whether under article 10, if the illness is not exceptionally serious, or under article 12, the employed person shall retain the right to benefits in kind (treatment) under the legislation of the new country of residence or the country in which he is staying.

Such benefits shall be provided by and at the expense of the competent institution responsible for applying that legislation.

Article 16

Members of the family of a French or Portuguese employed person who reside or return to reside in France or in Portugal while that person is employed in the other country shall be entitled to sickness and maternity benefits in kind.

Such entitlement shall also be granted to:

- Members of the family who accompany the employed person while he is staying temporarily in his country of origin during annual paid leave;
- Members of the family of a seasonal worker, against proof of his possessing a labour contract of at least one month's validity and of fulfilling the obligations of such contract; receipt of benefit shall, however, be limited to the duration of the contract.

The family members covered and the scale and duration of such benefits and the manner of providing them shall be determined in accordance with the provisions of the legislation of the family's country of residence.

Benefits shall be provided by the institution in the family's country of residence.

The cost of such benefits shall be borne by the social security system of the country in which the employed person is insured, which shall repay to the social security system of the family's country of residence three quarters of the costs relating to the benefits at a flat rate and in a manner to be determined by administrative agreement.

Article 17

The French or Portuguese employed persons referred to in article 6, paragraph 1, of this Convention, together with the members of their families accompanying them, shall be eligible for sickness and maternity insurance benefits for the entire duration of their stay in their country of employment.

Cash benefits shall be paid directly by the French or Portuguese insuring institution responsible for the persons concerned.

Benefits in kind shall be provided either by the institution of the country in which the persons concerned are staying or directly by the insuring institutions.

Article 18

Paragraph 1. Where a person in receipt of an old-age pension awarded by aggregating the insurance periods completed in both countries is entitled or becomes entitled to benefits in kind (treatment) under the legislation of the contracting country in whose territory he is resident, such benefits shall be provided for him and for the members of his family by and at the expense of the institution of the country of residence, as though he were in receipt of a pension solely under the legislation of the latter country.

Paragraph 2. Where a person in receipt of an old-age or disability pension, or an industrial accident annuity payable solely under the legislation of one of the contracting countries is resident in the territory of the other country, benefits in kind (treatment) shall be provided for him and for the members of his family by the institution of the country of residence, as though he were in receipt of a pension or annuity under the legislation of the latter country.

Entitlement to such benefits shall be established in accordance with the provisions of the legislation of the country which is liable for the pension or annuity. The scale and duration of such benefits and the manner of providing them shall be determined in accordance with the provisions of the legislation of the pensioner's country of residence.

The cost of such benefits shall be borne by the social security system of the country which is liable for the pension or annuity, which shall repay to the social security system of the pensioner's country of residence three quarters of the costs relating to the benefits at a flat rate and in a manner to be determined by administrative agreement.

Article 19

The provision of prosthesis, large appliances and other major benefits in kind, a list of which shall be annexed to the administrative agreement, shall be subject, except in cases of urgency, to authorization by the institution with which the person concerned is insured. Such authorization shall not, however, be required for expenditure which is repayable at a flat rate.

Chapter 2. DISABILITY INSURANCE

Article 20

In the case of employed persons who have moved from one country to the other, the insurance periods or equivalent periods completed under the social security system of the first country shall, provided that they do not overlap, be aggregated with the insurance periods or equivalent periods completed under the system of the other country, for the purpose both of the acquisition of the right to disability insurance benefits in cash (pensions) or in kind (treatment) and of the maintenance or recovery of this right.

Article 21

The disability pension shall be awarded in accordance with the legislation applicable to the person concerned at the time when, owing to illness or accident, the interruption of work followed by disability occurred.

The cost of the disability pension shall be borne by the competent institution in accordance with that legislation.

Article 22

Paragraph 1. If, after suspension of the disability pension, the insured person recovers his entitlement, the provision of benefits shall be resumed by the institution liable for the pension originally awarded.

Paragraph 2. If, after suspension of the pension, the state of health of the insured person justifies the granting of another disability pension, the latter shall be awarded in accordance with the provisions of article 21.

Article 23

Where appropriate, a disability pension shall be converted into an old-age pension when the conditions, notably age, required under the legislation of either country for the receipt of the old-age pension have been satisfied.

If the total amount of benefits to which an insured person is entitled under each of the old-age insurance schemes of the two countries is smaller than the amount of the disability pension, the balance shall be provided to him by the insurance scheme which was liable for that pension.

Article 24

The provisions of this chapter shall apply to workers who have been employed in the mines in France and in Portugal for the purpose both of the determination of rights to disability benefits provided for under the French social security scheme in the mining industry and of the maintenance or recovery of such rights.

However, the occupational disability pension provided for under the special legislation in respect of miners in France shall be awarded solely to insured persons who were subject to that legislation at the time when the interruption of work followed by disability occurred and who were resident in France until the said pension was awarded.

The pension shall cease to be paid to a pensioner who resumes work outside France.

Chapter 3. OLD-AGE INSURANCE AND DEATH INSURANCE (SURVIVORS' PENSIONS)

Article 25

Paragraph 1. A French or Portuguese employed person who, during his career, has been subject, successively or alternately, in the territory of the two Contracting States to one or more old-age insurance schemes in each of those States may, at the time when his entitlement to benefits is established, decide whether the legislation of each of the Contracting States shall be applied jointly or separately.

If he elects to have the legislation of the two countries applied separately, the benefits which he may claim under the legislation of each country shall be awarded without taking into account the insurance periods or equivalent periods completed to the other country, as though the insured person had been subject to the legislation of one country only.

If, on the other hand, he elects to have the legislation of the two countries applied jointly, the benefits which he may claim under the legislation of both

countries shall be awarded in accordance with the regulations laid down in the following articles of this chapter.

Paragraph 2. Where death, establishing entitlement to a survivor's pension, occurs before the employed person's rights in respect of old-age insurance have been determined, his dependants may exercise the option provided for in the first paragraph of this article.

Article 26

Paragraph 1. The insurance periods completed under the legislation of each of the two Contracting States, together with the periods recognized as equivalent to insurance periods, shall, provided that they do not overlap, be aggregated for the purposes both of the determination of the right to benefits and of the maintenance or recovery of this right.

Paragraph 2. The periods recognized as equivalent to insurance periods shall, in each country, be those which are recognized as such under the legislation of that country.

Where the period recognized as equivalent to an insurance period under the legislation of one country coincides with an insurance period completed in the other country, only the insurance period shall be taken into consideration by the institution of the latter country.

Where the same period is recognized as equivalent to an insurance period under both French and Portuguese legislation, that period shall be taken into consideration by the institution of the country in which the person concerned was last compulsorily insured before the period in question.

Paragraph 3. Where the legislation of one Contracting State makes it a condition for the award of particular old-age benefits that the insurance periods should have been completed in an occupation which is subject to a special insurance scheme, for the purpose of qualification for such benefits only the periods completed under the corresponding special scheme of the other State shall be taken into account.

If, in either Contracting State, there is no special scheme for the occupation in question, the insurance periods completed in that occupation shall nevertheless be taken into account for the purpose of qualification for the old-age benefits concerned.

In particular, in the absence of a special social security scheme in the mining industry in Portugal, periods of employment completed in that industry in Portugal which, if they had been completed in France, would have established entitlement to benefits under the French social security scheme in the mining industry shall be aggregated with insurance periods completed under the French scheme.

Article 27

Taking into account the aggregation of the periods completed, as stated in the preceding article, the competent institution of each country shall determine,

in accordance with its own legislation, whether the person concerned satisfies the conditions required for entitlement to an old-age pension under that legislation.

Where the right to a pension is established, the competent institution of each country shall determine, for the sake of order, the benefit to which the insured person would be entitled if all the insurance periods or periods recognized as equivalent, aggregated in accordance with the regulations laid down in the preceding article, had been completed exclusively under its own legislation.

The benefit actually payable to the person concerned by the competent institution of each country shall be determined by reducing the amount of the benefit referred to in the preceding paragraph in proportion to the duration of the insurance periods or periods recognized as equivalent completed under its own legislation in relation to the entire period completed in the two countries.

Article 28

Where the insurance periods completed under the legislation of either country amount to less than one year, no benefit shall be payable under the legislation of that country.

Those periods shall, however, be taken into consideration for the purpose of the acquisition of entitlement to benefits by aggregation under the legislation of the other country, within the terms of article 26 above, unless the resulting benefit payable under the legislation of that country is lower than it would otherwise be.

Article 29

Where the insured person does not, simultaneously, satisfy the conditions required by the legislation of the two countries, but satisfies only the conditions required by the legislation of one of them, the entitlement to a pension shall be established under the latter legislation, account being taken of the aggregation of the insurance periods or equivalent periods completed in the two countries.

Where the conditions required by the legislation of the second country are satisfied, the benefits due to the insured person under the terms of articles 26 and 27 of the present chapter shall be revised if he has elected to have the legislation of each of the contracting countries applied jointly.

Article 30

The provisions of this chapter shall, by analogy, apply to the rights of surviving spouses and children.

Chapter 4. PROVISIONS COMMON TO DISABILITY, OLD-AGE AND DEATH (SURVIVORS' PENSIONS) INSURANCE

Article 31

Where the legislation of one Contracting State makes the award of particular benefits or the completion of certain formalities conditional upon the fulfilment

of certain residence requirements in the territory of that State, such requirements shall not apply to Portuguese or French nationals while resident in the territory of either Contracting State.

However, with regard to old-age insurance:

- (a) The special allowance and the concurrent benefit provided for by the special French legislation in respect of miners shall be paid only to persons who continue to work in French mines even though they have acquired the right to a mining scheme pension;
- (b) The allowances for dependent children provided for by the special French legislation in respect of miners shall be paid under the conditions established by that legislation and, in particular, shall be subject to the requirement that the children in question should be resident in French territory.

Article 32

Where, under the legislation of one of the Contracting States, the payment of benefits is based on the average remuneration for the whole insurance period or for part of it, the average remuneration to be taken into account for the computation of the benefits to be paid by the institutions of that State shall be determined on the basis of the remuneration received during the insurance period completed under the legislation of the said State.

Chapter 5. INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 33

Paragraph 1. No provisions in the legislation of one Contracting State 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 State.

Paragraph 2. The increases or supplementary allowances awarded in addition to industrial accident annuities under the legislation applying in the territory of each Contracting State shall continue to be paid to persons covered by the preceding paragraph who transfer their residence from the territory of one State to the territory of the other.

Article 34

A French employed person who sustains an industrial accident or contracts an occupational disease in Portugal or a Portuguese employed person who sustains an industrial accident or contracts an occupational disease in France, who has acquired the right to the benefits payable during the period of temporary incapacity, shall retain the right to such benefits if he transfers his residence to the territory of the other country, provided that, prior to his departure, he obtains the authorization of the Portuguese or French institution with which he is insured.

Such authorization shall be valid only for the period fixed by the insuring institution.

If, on the expiry of the period thus fixed, the state of health of the person concerned so requires, the period shall, by a decision of the insuring institution on the basis of a favourable opinion by its medical supervisors, be extended until he has recovered or until the wound has healed properly.

Article 35

Where a French or Portuguese employed person suffers a recurrence of the effects of his accident or his occupational disease after he has transferred his residence to the other country, he shall be entitled to industrial accident insurance benefits in kind and cash benefits, provided that he has obtained the agreement of the Portuguese or French institution with which he was insured at the time of the accident or when the occupational disease was certified for the first time.

Article 36

In the cases specified in articles 34 and 35:

- Benefits in kind (treatment) shall be provided by the institution of the new country of residence of the employed person, in accordance with the provisions of the legislation applicable in that country as regards the scale of such benefits and the manner of providing them;
- Cash benefits (daily allowances) shall be paid by the institution with which the person concerned is insured, in accordance with the legislation applicable to him.

However, where a Portuguese employed person sustains an industrial accident in agriculture in France, cash benefits and benefits in kind shall be provided directly by the employer concerned or by the insurer acting for him.

Article 37

In the cases specified in articles 34 and 35, the cost of benefits shall be borne by the institution with which the employed person is insured.

The administrative agreement shall determine the manner in which benefits in kind shall be reimbursed by the insuring institution to the institution of the new country of residence.

Article 38

In the cases specified in articles 34 and 35, the provisions of prosthesis, large appliances and other major benefits in kind, a list of which shall be annexed to the administrative agreement, shall be subject, except in cases of urgency, to authorization by the institution with which the person concerned is insured.

Article 39

For the purposes of articles 34 to 38 inclusive, the administrative agreement shall designate the Portuguese institution which is required to act as insuring institution within the terms of the said articles.

Article 40

For the purpose of assessing the degree of permanent incapacity resulting from an industrial accident or an occupational disease from the standpoint of the legislation of one of the countries, industrial accidents previously sustained and occupational diseases previously contracted under the legislation of the other country shall be taken into account as though they had been sustained or contracted under the legislation of the first country.

Article 41

Paragraph 1. Where a person who has contracted an occupational disease has been engaged in the territory of both countries in an occupation capable of producing that disease, the benefits which he or his survivors may claim shall be granted exclusively under the legislation of the country in whose territory he last engaged in the occupation in question, provided that he satisfies the conditions established under that legislation.

Paragraph 2. Where the legislation of one of the countries makes it a condition for the award of occupational disease benefits that the disease should have been medically certified for the first time in its territory, that condition shall be deemed to have been fulfilled if the disease was certified for the first time in the territory of the other country.

Article 42

Where an aggravation of an occupational disease for which compensation is paid under the legislation of one of the countries occurs while the person concerned is resident in the other country, the following rules shall apply:

- (a) If the employed person has not engaged in the territory of his new country of residence in an occupation capable of aggravating the occupational disease in question, the institution of the first country shall be liable for the benefit payable in respect of the aggravation of the disease within the terms of its own legislation;
- (b) If the employed person has engaged in the territory of his new country of residence in an occupation capable of aggravating the occupational disease in question:
 - The institution of the first country shall continue to be liable for the benefit payable to the person concerned under its own legislation as though there had been no aggravation of the disease;
 - The institution of the new country of residence shall be liable for an additional benefit corresponding to the aggravation. The amount of such benefit shall be fixed in accordance with the legislation of the latter country as though the disease had been contracted in its own territory; it shall be equal to the difference between the amount of the benefit payable after the aggravation and that which would have been payable before the aggravation.

Chapter 6. FAMILY ALLOWANCES

Article 43

Where an employed person has not completed the entire period of employment for eligibility either for family allowances or for dependency allowances, the period of employment or equivalent period completed in the other country shall be added to the said period.

Article 44

Employed persons working in France or in Portugal may, subject to the conditions stated below, claim dependency allowances for their children resident in the territory of the other country if they fulfil the occupational requirements laid down in the legislation relating to family allowances of the country of employment:

1. Dependency allowances shall be paid on the basis of periods of employment or periods treated as such;
2. Dependency allowances shall be paid in respect only of two or more dependent children;
3. Children eligible to receive the dependency allowances provided for under this article shall be the dependent children of the employed person concerned, provided that they also have the status of legitimate children, legitimized children, recognized natural children or adopted children of the employed person or of his spouse;
4. Dependency allowances shall be paid directly to the person who is in charge of the children in the territory of the other country by the family allowance institution responsible for the employed person in the country of employment.

Article 45

The amounts of the dependency allowances shall be shown in a scale to be determined by agreement between the competent administrative authorities of the two countries and annexed to the administrative agreement.

This scale shall be subject to revision; it shall be revised, in particular, if the amounts of the family allowances are changed at the same time in both countries during the same year.

Article 46

The conditions for the application of article 44, including the procedures for the payment of dependency allowances and the age-limit for the receipt of such allowances, shall be regulated by an administrative agreement.

Article 47

Seasonal workers employed in the territory of one country shall be entitled to the dependency allowances provided for under article 44 in respect of their dependent children resident in the other country.

However, the right to such allowances shall be acquired only if the seasonal worker can show proof of possessing a labour contract of at least one month's validity and of fulfilling in that country the obligations deriving from such contract.

Article 48

Children of the employed persons referred to in article 6, paragraph 1, of this Convention who accompany such persons to the territory of the other country shall be entitled to receive the family benefits provided for under the legislation of their country of origin, as specified in the administrative agreement.

Such benefits shall be paid directly by the competent family allowance institution in the country of origin of the persons concerned.

Chapter 7. DEATH BENEFITS

Article 49

French employed persons in Portugal and Portuguese employed persons in France shall be eligible for death benefits under the legislation of the country of employment, if:

- (a) They have been engaged in that country in an occupation subject to insurance;
- (b) They satisfy in that country the conditions imposed for receipt of those benefits.

Article 50

If, at the time of his death, an employed person has not completed the insurance period required under the legislation of the new country of employment for eligibility for the benefits in question, the insurance periods or equivalent periods previously completed by the employed person in the other country shall be added to the insurance periods or equivalent periods completed in the new country of employment.

Article 51

In the cases covered by articles 10, 11, 12 and 18 (para. 2), where the person concerned dies in the country in which he is staying or is resident, his death shall be deemed to have occurred in the country of employment or in the country in which the institution liable for the pension or annuity is situated.

PART III. MISCELLANEOUS PROVISIONS

Article 52

A general administrative agreement, drawn up by the competent administrative authorities of the two countries, shall, as necessary, determine the conditions for the application of this Convention, in particular those concerning the articles which expressly refer to the said agreement.

That agreement shall designate the liaison agencies of the two countries.

Furthermore, models of the standard forms required for the implementation of the procedures and formalities jointly agreed upon shall be annexed to the general administrative agreement or, where appropriate, to a supplementary administrative agreement.

Article 53

In each contracting country, the Ministers responsible, each within the limits of his competence, for the application of the schemes enumerated in article 5 shall be deemed to be the competent administrative authorities for the purposes of this Convention.

Article 54

The competent administrative authorities of the two countries shall:

- In addition to drawing up the general administrative agreement referred to in article 52, conclude administrative agreements supplementing or amending that agreement;
- Communicate to each other directly full information regarding any measures taken in their respective countries for the application of this Convention and of the agreements drawn up for its application;
- Consider together any difficulties which might arise, at the technical level, from the application of the provisions of this Convention or of the agreements drawn up for its application;
- Communicate to each other directly full information regarding any changes made in the laws and regulations referred to in article 5 in so far as such changes might affect the application of this Convention or of the agreements drawn up for its application.

Article 55

The competent administrative authorities and the social security institutions of the two Contracting Parties shall furnish assistance to one another with respect to any matter relating to the application of this Convention or of the social security legislation of the other country as if the matter were one affecting the application of their own social security legislation.

Article 56

The competent administrative authorities shall regulate by administrative agreement such arrangements for medical and administrative supervision and expert services as are required for the application of this Convention.

Article 57

Paragraph 1. Any exemption from registration fees, court fees, stamp duties and consular fees provided for by the legislation of one Contracting State in respect of documents required to be produced to the social security authorities or institutions of that State shall be extended to similar documents required to be produced for the purposes of this Convention to the social security authorities or institutions of the other State.

Paragraph 2. Legalization by consular authorities shall be waived in respect of all certificates, documents and papers required to be produced for the purposes of this Convention.

Article 58

Appeals in matters of social security which should have been presented within a prescribed time-limit to an authority, institution or court of one of the Contracting States competent to receive them shall be admissible if they are presented within the same time-limit to a corresponding authority, institution or court of the other State. In such cases, the transmission of appeals to the competent authority, institution or court of the first-mentioned State shall take place without delay.

Article 59

Communications which, for the purposes of this Convention, are sent by beneficiaries under the Convention or by authorities, institutions or courts of either State to authorities, institutions or courts of the other State shall be drawn up in the official language of one or the other State.

Article 60

The institutions liable, by virtue of this Convention, for the payment of benefits shall be held to discharge their liability validly by payment in the currency of their country.

Repayments provided for under this Convention, computed according to actual expenditure or on a lump-sum basis, shall be expressed in the currency of the country of the institution which provided the benefit at the rate of exchange prevailing on the day of settlement.

Article 61

Notwithstanding any internal provisions relating to exchange regulations, the two Governments mutually undertake to present no obstacle to the free transfer of moneys corresponding to the total amount of payments made in

connexion with social security or social welfare transactions, either in application of this Convention or in application of the national legislation of the two countries relating to persons engaged in employment or other work, including payments made under voluntary insurance and supplementary retirement schemes.

The competent administrative authorities of the two countries may, by means of an administrative agreement, make the liaison agencies of the two countries responsible for centralizing, with a view to their transfer to the other country, certain of the benefits provided for in this Convention.

Article 62

Nothing in this Convention shall in any way invalidate the rules laid down by the legislation enumerated in article 5 with respect to the participation of foreigners in the constitution or reconstitution of the bodies required for the functioning of the social security institutions of each country.

Article 63

Any formalities which may be prescribed by the laws or regulations of one Contracting State for the payment in the territory of the other State of benefits payable to its nationals shall also apply, in the same manner, the nationals of the other State awarded such benefits under this Convention.

Article 64

Paragraph 1. Any disputes concerning the interpretation or application of the provisions of this Convention shall be settled through the diplomatic channel.

Paragraph 2. If a dispute cannot be settled in this manner, it shall, at the request of either Contracting Party, be submitted to an arbitral tribunal, which shall be constituted in the following manner:

- (a) Each of the Parties shall appoint an arbitrator within one month of the date of receipt of the request for arbitration; the two arbitrators thus appointed shall agree on a national of a third State as a third arbitrator within two months of the notification from the last Party to appoint its arbitrator.
- (b) If one of the Parties fails to appoint an arbitrator within the prescribed time-limit, the other Party may request the President of the International Court of Justice to make the appointment. The same request may be made by either Party if the two arbitrators fail to agree on the choice of a third arbitrator.

Paragraph 3. The decisions of the arbitral tribunal shall be by majority vote. Its decisions shall be binding on both Parties. Each Contracting Party shall defray the expenses of the arbitrator whom it appoints. The other expenses shall be shared equally between the two Parties. The arbitral tribunal shall establish its own rules of procedure.

PART IV. FINAL PROVISIONS

Article 65

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

Article 66

The General Convention on Social Security between France and Portugal, signed on 16 November 1957, and the Agreement between France and Portugal, relating to family benefits for migrant workers of 30 October 1958, together with any agreements amending or supplementing them, shall cease to have effect on the date of the entry into force of this Convention, with the exception of paragraph I of the General Protocol of 16 November 1957.

The beneficiaries of the Franco-Portuguese Convention of 16 November 1957 and of the Agreement of 30 October 1958, as well as of any agreements amending or supplementing them, shall not suffer any damage as a result of the termination of the said Convention and the said Agreement and shall be entitled, *de plano*, to the benefits provided for under this Convention.

Article 67

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 three months before the expiry of any such yearly period.

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

DONE at Lisbon, on 29 July 1971, in duplicate in the French and Portuguese languages, both texts being equally authentic.

For the Government
of the French Republic:

[*Signé*]

JACQUES W. TINÉ

For the Government
of the Portuguese State:

[*Signé*]

RUI PATRICIO

GENERAL PROTOCOL

At the time of signing, on this date, the new General Convention between France and Portugal, which is designed to provide for workers of either country who are or have been engaged in employment in the other country improved guarantees of the rights they have acquired, the Contracting Parties agree on the following provisions:

I. OLD-AGE ALLOWANCES FOR EMPLOYED PERSONS

1. The old-age allowance for employed persons shall be awarded, under the conditions specified for French workers in French legislation relating to elderly employed persons, to all Portuguese elderly employed persons who are without adequate means and who have had uninterrupted residence of at least fifteen years in France at the time of their application;

2. The allowance for employed persons awarded under the conditions specified in paragraph 1 shall cease to be paid to beneficiaries of Portuguese nationality who leave French territory.

II. OLD-AGE ALLOWANCE FOR PERSONS WORKING IN AGRICULTURE OTHER THAN EMPLOYED PERSONS

1. The old-age allowance for persons working in agriculture other than employed persons shall be awarded, under the conditions specified in amended Act No. 52-799 of 10 July 1952, to Portuguese nationals who are without adequate means and who have had uninterrupted residence of at least fifteen years in France at the time of their application;

2. The old-age allowance awarded in accordance with paragraph 1 shall cease to be paid to Portuguese nationals who leave French territory.

III. SOCIAL INSURANCE FOR STUDENTS

1. The French social insurance scheme for students established in the Social Security Code, part I, book VI, shall apply, under the same conditions as to French students, to Portuguese students who are studying in France and who are neither covered by social insurance nor dependants of persons having such coverage in that country.

2. The two Governments undertake to ensure that Portuguese students and French students in the territory of either State receive equal treatment in matters of social security.

The provisions of this Protocol shall take effect on the date of the entry into force of the General Convention.

DONE at Lisbon, on 29 July 1971, in duplicate in the French and Portuguese languages both texts being equally authentic.

For the Government
of the French Republic:

[Signed]

JACQUES W. TINÉ

For the Government
of the Portuguese State:

[Signed]

RUI PATRÍCIO