

No. 13902

**FRANCE
and
ALGERIA**

**Special Agreement concerning the social security scheme for
seamen. Signed at Algiers on 23 January 1973**

Authentic text: French.

Registered by France on 21 April 1975.

**FRANCE
et
ALGÉRIE**

**Accord particulier relatif au régime de sécurité sociale des
gens de mer. Signé à Alger le 23 janvier 1973**

Textes authentiques : français.

Enregistré par la France le 21 avril 1975.

[TRANSLATION — TRADUCTION]

SPECIAL AGREEMENT¹ CONCERNING THE SOCIAL SECURITY SCHEME FOR SEAMEN

The Government of the French Republic and the Government of the People's Democratic Republic of Algeria,

Being resolved to co-operate in the social field,

Affirming the principle that nationals of both States should receive equal treatment under the social security legislation of each of them,

Desiring to guarantee the rights of their nationals in a co-ordinated system of social welfare,

Have decided to conclude, pursuant to article 2, paragraph 3, of the General Convention on social security between the two States of 19 January 1965, as amended,² an agreement to co-ordinate the application to French and Algerian seamen of the French and Algerian legislation relating to social security and to that end have agreed on the following provisions:

PART I. GENERAL PRINCIPLES

Article 1

1. (a) The scheme described in this Agreement shall be applicable to STET wage-earning seamen of French nationality serving on board vessels of Algerian registry and STET wage-earning seamen of Algerian nationality serving on board vessels of French registry, where such vessels have ship's articles.

Any worker who contracts with a shipowner of 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 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 shipowner.

(b) The scheme described in this Agreement shall also be applicable to wage-earning seamen of French or Algerian nationality who perform services — other than services at sea covered by the legislation referred to in article 2 of this Agreement governing the French or Algerian scheme which is applicable to them by reason of their employment.

2. The territories to which the provisions of this Agreement shall apply are:
In relation to France: the European departments and overseas departments of the French Republic;
In relation to Algeria: Algerian territory.

¹ Came into force on 1 July 1973, i.e. the first day of the second month following the date of the last of the notifications (effected on 4 and 10 May 1973) by which each Contracting Party informed the other of the completion of the required constitutional procedures, in accordance with article 32.

² See p. 248 of this volume.

Article 2

1. The legislation to which the Agreement shall apply is:
 - A. In France:
 - (a) The legislation relating to the seamen's retirement scheme;
 - (b) The legislation relating to the seamen's insurance scheme;
 - (c) The legislation relating to family benefits, with the exception of the maternity allowance.
 - B. In Algeria:
 - (a) The legislation relating to the seamen's retirement scheme;
 - (b) The legislation relating to the seamen's insurance scheme;
 - (c) The legislation relating to family benefits.

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.

However, it shall apply:

- (a) To laws or regulations covering a new branch of social security for seamen only if the Contracting Parties have concluded an agreement to that effect;
- (b) To laws or regulations extending existing schemes to new categories of beneficiaries only if the Government of the Party amending its legislation has not notified the Government of the other Party, within a period of three months from the date of the official publication of the said laws or regulations that it objects to such application.

Article 3

1. Wage-earning seamen shall be subject to the legislation of the State of registry of the vessel on board which they are serving.

2. The principle laid down in paragraph 1 of this article shall be subject to the following exception:

Wage-earning seamen in the service of an enterprise which normally employs them in the territory of one of the two States or on board a vessel registered in one of the two States shall, if they are assigned by that enterprise to exercise on its behalf in the other State an employment of the kind specified in article 1, paragraph 1, above, remain subject to the legislation of the first-mentioned State, provided that the duration of their employment in the other State does not exceed three years, including periods of leave.

3. The competent administrative authorities of the Contracting Parties may, by agreement, provide for exceptions to the rule laid down in paragraph 1 of this article.

PART II. SPECIAL PROVISIONS

Chapter I. INSURANCE FOR DISEASES AND ACCIDENTS NOT CONTRACTED OR SUSTAINED AT SEA, MATERNITY AND DEATH INSURANCE

Section I. ENTITLEMENT TO BENEFITS

Article 4

The provisions of articles 6, 7 and 8 of the General Convention shall be extended to French and Algerian wage-earning seamen.

In such cases, the legislation applicable shall be that of the State of registry of the vessel on board which the seamen are or were serving.

Article 5

1. French or Algerian wage-earning seamen receiving benefits from the institution of the State of registry of the vessel on board which they were serving shall continue to receive such benefits for a maximum period of three months when they transfer their residence to the territory of the other State, provided that prior to such transfer they obtain the authorization of the insuring institution, which shall take due account of the reason for the transfer. This period may be extended for a further three months by decision of the insuring institution, on the recommendation of its medical adviser.

In cases of exceptionally serious illness, however, the insuring institution may allow benefits to be continued after the expiry of the period of six months provided for above.

2. French or Algerian wage-earning seamen who are insured with the institution of the State of registry of the vessel on board which they were serving and are resident in that State shall receive benefits when their state of health while they are staying temporarily in their country of origin during paid leave necessitates emergency medical treatment, including admission to hospital, for a maximum period of three months, provided that the insuring institution has given its approval; this period may, however, be extended for a further three months by decision of the insuring institution, on the recommendation of its medical adviser.

Article 6

1. The provisions of article 5 (paragraph 1) shall apply to dependants resident in France of Algerian wage-earning seamen serving on board vessels of French registry and to dependants resident in Algeria of French wage-earning seamen serving on board vessels of Algerian registry.

2. The provisions of article 5 (paragraph 2) shall apply to dependants as aforementioned accompanying French or Algerian wage-earning seamen while they are staying temporarily in their country of origin during paid leave.

Article 7

The French and Algerian seamen referred to in article 3, paragraph 2, of this Agreement, and dependants accompanying them, shall be entitled to sickness and maternity insurance benefits throughout their stay in the country to which they are assigned.

Article 8

Where dependants of French or Algerian wage-earning seamen are normally resident in one of the two countries while the seamen are serving on a vessel registered in the other country, they shall be entitled to the sickness and maternity insurance benefits of their country of residence.

Article 9

1. A person who is in receipt of an old-age pension granted on the basis of the aggregation of insurance periods completed in both countries shall be entitled for himself and his qualified dependants, to benefits in kind under the insurance scheme for diseases, not contracted at sea and the maternity insurance scheme.

Entitlement to such benefits shall be determined in accordance with the provisions of the legislation of the country of residence, account being taken, where

necessary, of the aggregation of contribution periods in both countries, provided that they do not overlap.

The costs of such benefits shall be borne by the social security scheme of the pensioner's country of residence.

2. A person who is in receipt of an old-age invalidity or industrial accident pension payable under the legislation of only one of the contracting countries and who is resident in the territory of the other country shall be entitled, for himself and his qualified dependants, to benefits in kind under the insurance scheme for diseases not contracted at sea and the maternity insurance scheme.

Entitlement to such benefits shall be determined in accordance with the provisions of the legislation of the country liable for the pension.

The costs of such benefits shall be borne by the social security scheme of the country liable for the pension under the conditions laid down in article 13 of this Agreement.

Section II. PROVISION OF BENEFITS AND REIMBURSEMENTS BETWEEN INSTITUTIONS

Article 10

1. Where French or Algerian wage-earning seamen or persons who are in receipt of an old age or disability or a pension for an accident sustained at sea — or members of their families — are entitled to benefits under article 5, 6, 7, 8, or 9 (paragraph 2) of this Agreement or the last paragraph of article 7 of the General Convention — the provisions of which article have been extended to the persons concerned by article 4 of this Agreement — benefits in kind shall be provided by the institution of the country of residence in accordance with the provisions of the legislation applicable in that country regarding the scope of benefits in kind and the manner in which they are provided.

2. Where a person who is in receipt of an old age pension is entitled to benefits in kind under article 9 (paragraph 1) of this Agreement, such benefits shall be provided to him, and where applicable, to his dependants by the institution of the country of residence as if he were in receipt of a pension under the legislation of that country alone.

Article 11

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.

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

The authorization of the insuring institution shall not, however, be required in the case of costs to be reimbursed on a flat-rate basis in accordance with the provisions of article 13 (paragraph 1 (a)).

Article 12

Where French or Algerian wage-earning seamen are entitled to benefits under articles 5 and 7 of this Agreement, cash benefits shall be provided by the institution with which the seamen were insured at the time when they claimed benefits.

Article 13

1. The costs of benefits in kind provided under articles 5, 6, 7, 8 and 9 (paragraph 2) of this Agreement and the last paragraph of article 7 of the General

Convention — the provisions of which article have been extended to seamen by article 4 of this Agreement — shall be reimbursed by the insuring institution to the institution which provided them in the other country:

- (a) On a flat-rate basis in the cases referred to in articles 5, 6, 8 and 9 (paragraph 2) of this Agreement and the last paragraph of article 7 of the General Convention;
- (b) On presentation of vouchers in the cases referred to in article 7 of the Special Agreement concerning seamen.

2. In the cases referred to in articles 8 and 9 (paragraph 2), the scheme to which the insuring institution belongs shall reimburse to the institution which provided the benefits three quarters of the costs calculated on the flat-rate basis laid down in paragraph 1 (a) of this article.

3. In the cases referred to in article 9 (paragraph 1) of this Agreement, the scheme of the country other than the country of residence shall bear one half of the costs, calculated on the flat-rate basis laid down in paragraph 1 (a) of this article.

Article 14

The procedures for applying the provisions of this chapter, and in particular the rules for determining the flat-rate basis for reimbursement, shall be laid down in an administrative arrangement.

Chapter II. INVALIDITY INSURANCE

Article 15

The provisions of articles 17 and 18 of the General Convention shall be extended to French or Algerian seamen who become incapacitated as a result of a disease, whether or not contracted at sea, or of an accident other than an industrial accident.

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

Article 16

1. With effect from 1 January 1970 for the purposes of the acquisition, maintenance or recovery of entitlement to benefits under the old age and death (survivors' pensions) insurance schemes, insurance periods or periods recognized as equivalent thereto completed successively or alternately on board vessels of French and Algerian registry by French or Algerian nationals having the status of wage-earning seamen within the meaning of article 1 above shall be aggregated, provided that they do not overlap.

2. The benefits which seamen may claim from each of the agencies concerned shall be determined by reducing the amount of the benefits to which they would have been entitled if all the periods referred to in paragraph 1 above had been completed under the corresponding scheme to a level proportionate to the duration of the periods completed under that scheme.

3. The agencies responsible in each of the two States 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 such agencies receive for the payment of similar benefits to their own nationals.

The deduction may not, however, reduce the amount of such benefits to less than that of the benefits which would have been provided if the general scheme for other workers had been applied to the persons concerned.

Article 17

No benefit shall be payable under either scheme when the insurance periods completed under that scheme, calculated in accordance with its own rules, amount in all to less than one year. Such periods shall, however, be taken into account for the purpose of determining entitlement by aggregation with periods completed under the other scheme.

Article 18

Where, account being taken of all the periods referred to in article 16, paragraph 1, seamen do not simultaneously satisfy the conditions imposed by the legislation of both countries, the entitlement to a pension shall be determined in relation to each body of legislation as and when they satisfy such conditions.

Article 19

If the legislation of one of the two States makes the grant of certain benefits subject to conditions of residence, such conditions shall not apply to French or Algerian nationals so long as they are resident in one of the two States.

Article 20

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

If, in accordance with his personal status, the insured person had more than one wife, the benefits shall be apportioned equally and finally between them.

Chapter IV. INDUSTRIAL ACCIDENTS AND DISEASES SUSTAINED OR CONTRACTED AT SEA

Article 21

Entitlement to benefits in kind and cash benefits in the event of an industrial accident sustained or a disease contracted at sea by French or Algerian wage-earning seamen shall be determined in accordance with the legislation of the State of registry of the vessel on board which they are serving.

For the purpose of determining entitlement to such benefits, insurance periods completed successively under the special schemes for seamen of both Contracting Parties shall be aggregated, provided that they do not overlap.

Article 22

The provisions of articles 25 and 28 of the General Convention shall be extended to seamen.

Article 23

1. French or Algerian wage-earning seamen who have sustained an industrial accident or contracted a disease at sea and who transfer their residence to the territory of the State other than the State of registry of the vessel on board which they were serving 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, prior to transferring their residence, obtain the authorization of the insuring institution, which shall take due account of the reasons for the transfer.

Seamen who, after sustaining an industrial accident or contracting a disease at sea, and in pursuance of the legislation of one of the Contracting Parties relating to the employment of seamen, have been landed in or repatriated to the territory of the State other than the State of registry of the vessel on board which they were serving

shall be presumed to have obtained the authorization of the insuring institution, pending a decision by that institution.

3. The benefits in kind referred to in paragraph 1 shall be provided by the institution of the new place of residence in accordance with the provisions of the legislation applied by that institution regarding the scope of benefits in kind and the manner in which they are provided.

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, the period for which benefits may be provided shall not exceed three months. This period may be extended for a further three months by decision of the insuring institution, on the recommendation of its medical adviser. In cases of exceptionally serious illness, the insuring institution may allow benefits to be continued after the expiry of the period of six months provided for above.

4. In the cases referred to 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 costs of benefits in kind provided in the cases referred to in paragraph 1 of this article shall be reimbursed by the insuring institution to the institutions which provided them, in accordance with the procedures to be laid down in an administrative arrangement.

Article 24

In the cases of transfer of residence referred to in article 23 above, cash benefits shall be provided by the insuring institution in accordance with the legislation applicable to it.

The period for which such benefits may be provided shall be that specified in article 23, paragraph 3, of this Agreement for benefits in kind in the event of an industrial accident sustained or a disease contracted at sea.

Article 25

In the event of death following an industrial accident sustained at sea, if the deceased, in accordance with his personal status, had more than one wife, the pension payable to the surviving spouse shall be apportioned equally and finally between them.

Chapter V. FAMILY ALLOWANCES

Article 26

The provisions of articles 32, 34 and 35 of the General Convention shall be extended to seamen.

PART III. FINANCIAL PROVISIONS

Article 27

All financial settlements relating to social security operations resulting from the application of the provisions of this Agreement shall be effected under the conditions laid down in article 41 and 42 of the General Convention.

PART IV. PROVISIONS CONCERNING RELATIONS
BETWEEN ADMINISTRATIONS

Article 28

In each of the two 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 29

For the purposes of the application of the provisions of part II, chapter V, concerning family allowances, the competent administrative authorities shall be those specified in article 36 of the General Convention.

Article 30

The provisions of articles 37, 38, 39, 40, 43 and 44 of the General Convention shall be extended to this Agreement.

The institutions responsible for implementing the social legislation for seamen in each country shall periodically transmit to one another all information concerning seamen of the other State, including in particular a quarterly report of the number of such seamen and an annual report of the amount of contributions collected, a statement of benefits provided and any useful information of an administrative nature.

PART V. FORMAL PROVISIONS

Article 31

1. Any difficulties relating to the application of this Agreement shall be resolved by agreement between the administrative authorities specified in article 28 or article 29, as appropriate.

2. Where it is impossible to reach a solution by this means, the dispute shall be settled by arbitration in accordance with a procedure to be arranged by the two Governments.

Article 32

Each of the Contracting Parties 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. The Agreement shall enter into force on the first day of the second month following the date of the latter such notification.

Article 33

This Agreement is concluded for a term of one year from the date of its entry into force. It shall thereafter be renewed by tacit agreement for successive periods of one year, unless notice of denunciation is given three months before the expiry of any such period.

In the event of denunciation, the provisions of this Agreement shall continue to apply to acquired rights notwithstanding any restrictive provisions in the relevant legislation concerning an insured person who is resident abroad.

DONE in duplicate, at Algiers, on 23 January 1973.

For the Government of the French Republic:

JEAN-MARIE SOUTOU

Ambassador Extraordinary and Plenipotentiary,
High Representative of the French Republic in Algeria

For the Government of the People's Democratic Republic of Algeria:

BOUALEM BESSAÏH

Minister Plenipotentiary, Secretary-General
of the Ministry of Foreign Affairs
