

No. 13900

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FRANCE
and
ALGERIA

General Convention on social security (with annexed Protocol No. 3 on old age insurance periods completed by French nationals in Algeria prior to 1 July 1962). Signed at Paris on 19 January 1965

Protocol No. 1 to the above-mentioned General Convention, on the scheme of social insurance for students. Signed at Paris on 19 January 1965

Protocol No. 2 to the above-mentioned General Convention, on the granting to Algerian nationals of the old age allowance for employed persons provided under French law and to French nationals of the old age allowance for employed persons provided under Algerian law. Signed at Paris on 19 January 1965

Additional Agreement to the above-mentioned General Convention. Signed at Paris on 6 May 1972

Authentic texts: French.

Registered by France on 21 April 1975.

[TRANSLATION — TRADUCTION]

GENERAL CONVENTION¹ ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA

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 a general convention to co-ordinate the application to the French and Algerian nationals 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. French and Algerian employed persons or persons treated as such shall be subject to the social security legislation specified in article 2 below and applying in Algeria and in France respectively, and they and their dependants shall, subject to the reservations set out in article 2, enjoy the benefits thereof under the same conditions as the nationals of each State.

2. French and Algerian nationals resident in Algeria and France respectively may be admitted to a voluntary insurance scheme covered by the legislation specified in article 2 under the same conditions as the nationals of their country of residence, account being taken, where appropriate, of periods of insurance in France and in Algeria.

3. The territories to which the provisions of this Convention shall apply are:
In relation to France: metropolitan France and the Overseas Departments;
In relation to Algeria: Algerian territory.

Article 2

1. The legislation to which this Convention shall apply is:

(1) In France:

- (a) The legislation relating to the organization of social security;
- (b) The legislation establishing the social insurance scheme applicable to persons employed in non-agricultural occupations;
- (c) The social insurance legislation applicable to persons employed and persons treated as employed in agricultural occupations;

¹ Came into force on 1 May 1965, i.e. on the first day of the second month following the date of the last of the notifications by which each Contracting Party informed the other of the completion of the required constitutional procedures, in accordance with article 46.

- (d) The legislation relating to the prevention of, and compensation for, industrial accidents and occupational diseases;
 - (e) The legislation relating to family benefits, with the exception of the maternity allowance;
 - (f) The legislation relating to special social security schemes, in so far as they deal with the risks or benefits covered by the legislation specified in the foregoing subparagraphs, and in particular the social security scheme for the mining industry, but excluding the special retirement schemes of the Société Nationale des Chemins de Fer Français (SNCF) and Entreprises Electriques et Gazières.
- (2) In Algeria:
- (a) The legislation relating to the organization of social security;
 - (b) The legislation establishing the social insurance scheme applicable to persons employed in non-agricultural occupations;
 - (c) The social insurance legislation applicable to persons employed and persons treated as employed in agricultural occupations;
 - (d) The legislation relating to the prevention of, and compensation for, industrial accidents and occupational diseases;
 - (e) The legislation relating to family benefits;
 - (f) The legislation relating to special social security schemes, in so far as they deal with the risks or benefits covered by the legislation specified in the foregoing subparagraphs, and in particular the social security scheme for the mining industry, but excluding the retirement schemes of the Société Nationale des Chemins de Fer Algériens (SNCFA) and Electricité et Gaz d'Algérie (EGA).

2. This Convention 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 only if the Contracting States 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 concerned 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.

3. This Convention shall not apply to schemes for seamen, which shall be the subject of a special agreement.

4. The conditions under which the provisions of the legislation of each country relating to the special scheme for students may be applied to nationals of the other country shall be the subject of a protocol to be annexed to this Convention.

Article 3

1. Employed persons or persons treated as such under the laws applicable in each of the Contracting States who are employed in the territory of one of the States shall be subject to the legislation in force at their place of employment.

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

- (a) Employed persons or persons treated as such who are employed in a State other than that in which they are habitually resident by an enterprise having an establishment in the last-mentioned State shall remain subject to the legislation in force in the State in which they are habitually employed, provided that their employment in the territory of the other State does not exceed three years, including periods of leave.
- (b) Travelling personnel in the service of transport enterprises operating between France and Algeria or vice versa shall be subject only to the scheme in force in the territory in which the enterprise has its principal place of business.

3. The competent administrative authorities of the Contracting States may, by agreement, provide for exceptions to the rules laid down in paragraph 1 of this article. They may also agree that the exceptions provided for in paragraph 2 shall not apply in particular cases.

Article 4

Employed persons or persons treated as such who are employed simultaneously in the territories of both States shall, for the purpose of benefits, be subject to the scheme in force in the territory in which they are habitually resident.

The employers' social security contributions provided for by the legislation of each of the Contracting States shall be payable in full to the competent agencies in respect of the employment exercised both in France and in Algeria by the persons referred to in the preceding paragraph.

Such contributions shall be calculated on the basis of the wages or earnings received by the persons concerned in respect of their employment both in France and in Algeria, but the wages or earnings received in respect of the employment exercised in the other country shall not be taken into account for the purposes of the application of the provisions relating to the earnings maximum.

The persons concerned shall pay the worker's contribution on the basis of the highest wages or earnings received, either in France or in Algeria, subject to the ceiling on remuneration liable for contributions which is applicable in the territory of the country in which the higher wage is received.

Article 5

1. The provisions of article 3, paragraph 1, shall apply to all employed persons or persons treated as such, regardless of nationality, who are employed in French or Algerian diplomatic or consular posts or are in the personal employ of agents of such posts.

Provided that

- (a) Career diplomatic or consular agents, and officers on the staff of chancelleries, shall be excepted from the application of this article;
- (b) Employed persons or persons treated as such who are nationals of the country represented by the diplomatic or consular post and who are not permanently established in the country in which they are employed may choose between the application of the legislation of their place of employment and that of the legislation of their country of origin.

2. Persons employed in the service of a government department of one of the Contracting Parties who are subject to the legislation of that Party and are assigned to the territory of the other Party shall continue to be subject to the legislation of the State which assigned them.

3. Officials placed at the disposal of one State by the other on the basis of a technical assistance contract shall be subject to the provisions relating to social security contained in the technical and cultural co-operation agreements between the two countries.

PART II. SPECIAL PROVISIONS

Chapter I. SICKNESS, MATERNITY AND DEATH INSURANCE

Section I. ENTITLEMENT TO BENEFITS

Article 6

Employed persons or persons treated as such who go from France to Algeria or vice versa shall, together with their dependants living with them in the country of the new place of employment, be entitled to sickness insurance benefits in that country if:

- (1) They were accepted as fit for work when they last entered the country;
- (2) They have become affiliated with the social security scheme since they last entered the territory of the country of the new place of employment;
- (3) They satisfy the conditions imposed by the legislation of that country, account being taken where appropriate, of insurance periods or equivalent periods completed under the legislation of the other country.

However, insurance periods or equivalent periods completed in both countries may be aggregated only if not more than six months have elapsed between the end of the insurance period in the other country and the beginning of the insurance period in the territory of the new country of employment.

Article 7

Employed persons or persons treated as such who go from France to Algeria or vice versa shall, together with the members of their families, be entitled to maternity benefits in Algeria or in France if:

- (1) They have been exercising an employment which is subject to insurance in the country to which they have transferred their residence;
- (2) They satisfy in that country the conditions imposed for receipt of such benefits, insurance periods or equivalent periods completed in the other country being aggregated if necessary.

When the confinement does not take place in the territory of the country of the insuring institution, the benefits provided shall be those of the scheme in force in the other country.

Article 8

Employed persons or persons treated as such who go from France to Algeria or vice versa shall acquire, for themselves or their qualified dependants, the right to death benefits in Algeria or in France if:

- (1) They have been exercising an employment which is subject to insurance in the country to which they have transferred their residence;
- (2) They satisfy in that country the conditions imposed for receipt of such benefits, insurance periods or equivalent periods completed in the other country being aggregated if necessary.

Article 9

1. A French or Algerian employed person who is employed in the territory of one of the two States and is receiving benefits from an institution of that State shall continue to receive such benefits for a maximum period of three months when he transfers his residence to the territory of the other State, provided that prior to such transfer he obtains 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 in kind to be continued after the expiry of the period of six months provided for above.

2. A French or Algerian employed person or person treated as such who is insured with a social security institution and is resident in one of the two countries shall receive benefits when his state of health while he is staying temporarily in his 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 10

The French and Algerian employed persons referred to in article 3, paragraph 2, of this convention, and dependants accompanying them, shall be entitled to sickness and maternity insurance benefits throughout their stay in the country in which they are for the time being employed.

Article 11

Dependants of a French or Algerian employed person or person treated as such who are normally resident in one of the two countries while the person concerned is employed in the other country shall be entitled to the sickness and maternity insurance benefits of their country of residence.

Entitlement to the benefits referred to in this article shall cease upon the expiry of a period of six years from the date on which the person concerned entered the territory of the new country of employment. However, this provision may be waived by additional agreements.

In the case of French and Algerian employed persons who are employed in one of the two countries on the date on which this Convention enters into force, that date shall constitute the beginning of the period referred to in the preceding paragraph.

Section II. PROVISION OF BENEFITS AND REIMBURSEMENTS BETWEEN INSTITUTIONS

Article 12

Where an employed person or person treated as such, or members of his family, are entitled to benefits under article 9, 10 or 11 or the last paragraph of article 7, 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.

Article 13

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 15, paragraph 1 (a).

Article 14

Where an employed person or person treated as such is entitled to benefits under articles 9 and 10, cash benefits shall be provided by the institution with which the person concerned was insured at the time when he claimed benefits.

Article 15

1. The costs of benefits in kind provided under articles 9, 10 and 11 and the last paragraph of article 7 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 9 and 11 and the last paragraph of article 7;

(b) On presentation of vouchers in the cases referred to in article 10.

2. In the cases referred to in article 11, 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.

Article 16

The procedures for applying 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 17

1. In the case of employed persons or persons treated as such who go from one country to the other, insurance periods completed under the scheme in force in the first country or periods recognized as equivalent shall, provided that they do not overlap with insurance periods or equivalent periods completed under the scheme of the other country, be aggregated both for the purpose of determining the right to invalidity insurance benefits in cash or in kind and for the purpose of the maintenance or recovery of that right.

2. Cash benefits from invalidity insurance shall be awarded in accordance with the legislation which applied to the person concerned at the time of the interruption of employment followed by invalidity, or of the accident followed by invalidity, and the cost of such benefits shall be borne by the agency which is competent under that legislation.

Article 18.

1. If, after the suspension of an invalidity pension, the insured person recovers his right to a pension, the agency liable for the pension originally granted shall resume payment thereof.

2. If, after the discontinuation of a pension, the condition of the insured person justifies the grant of another invalidity pension, the latter shall be awarded in accordance with the rules laid down in article 17 above.

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

Article 19

1. In the case of French or Algerian employed persons or persons treated as such who have been insured consecutively or alternately in the contracting countries under one or more old age or death (survivors' pensions) insurance schemes, insurance periods completed under those schemes or periods recognized as equivalent to insurance periods under the said schemes shall, provided that they do not overlap, be aggregated both for the purpose of determining the right to benefits and for the purpose of the maintenance or recovery of that right.

2. Where the legislation of one of the contracting countries makes it a condition for the grant of certain benefits that the insurance periods shall have been completed in an occupation which is subject to a special insurance scheme, only insurance periods completed under the corresponding special scheme or schemes of the other country shall be aggregated for the purpose of the award of such benefits. If in one of the two contracting countries no special scheme exists for a given occupation, insurance periods completed in that occupation under one of the schemes referred to in paragraph 1 above shall nevertheless be aggregated for the purpose of the award of benefits under the general scheme.

3. The benefits which an insured person may claim from each of the agencies concerned shall be determined by reducing the amount of the benefits to which he 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.

Article 20

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 21

Where, account being taken of all the periods referred to in article 19, paragraph 1, an insured person does not simultaneously satisfy the conditions imposed by the legislation of both countries, his entitlement to a pension shall be determined in relation to each body of legislation as and when he satisfies such conditions.

Article 22

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

However, the children's allowances provided for by the special French legislation relating to persons employed in the mining industry shall be paid under the conditions laid down in that legislation.

Article 23

The concurrent benefit and the special allowance provided for by the special French legislation relating to persons employed in the mining industry shall be paid only to persons employed in the French mining industry.

Article 24

The provisions of this Convention 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 OCCUPATIONAL DISEASES

Article 25

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

2. Increases or supplementary allowances granted in addition to industrial accident pensions under the legislation applicable in each of the Contracting States shall continue to be paid to persons covered by the preceding paragraph who transfer their residence from one State to the other.

Article 26

1. Any employed person or person treated as such who has sustained an industrial accident or contracted an occupational disease in France or in Algeria and who transfers his residence to the territory of the other country 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. The person concerned shall, prior to transferring his residence, obtain the authorization of the insuring institution, which shall take due account of the reasons for the transfer.

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 as regards the scope of benefits in kind and the manner in which they are provided; however, such benefits shall be provided for the period specified in the legislation of the insuring country.

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.

6. The provisions of paragraphs 1, 3 and 5 above shall not apply:

(a) To persons who have sustained, otherwise than in agriculture, an industrial accident in Algeria occurring before the date of entry into force in Algeria of the law incorporating industrial accidents and occupational diseases into the social security scheme and who transfer their residence to France;

(b) To persons who have sustained an industrial accident in agriculture in Algeria or in France and who transfer their residence from one territory to the other.

In such cases, benefits of any kind shall be provided directly by the responsible employer or by the insurer acting for him.

Article 27

In the cases of transfer of residence referred to in article 26 above, cash benefits shall be provided by the insuring institution in accordance with the legislation applicable to it.

Article 28

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

Article 29

In the event of death following an industrial accident, 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.

Article 30

Benefits in case of an occupational disease which is compensable under the legislation of both Contracting States shall be granted only under the legislation of the State in whose territory the employment capable of causing an occupational disease of the kind in question was last exercised, and then only if the person concerned satisfies the conditions imposed by that legislation.

Article 31

Where, in case of the worsening of an occupational disease, an employed person who has received or is receiving compensation for an occupational disease under the legislation of one of the Contracting States claims benefits under the legislation of the other State in respect of a like occupational disease, the following rules shall apply:

(a) If the person concerned has not exercised in the territory of the latter State an employment capable of causing or worsening the occupational disease, the insuring institution of the first State shall continue to be responsible for the benefits payable under its own legislation, account being taken of the worsening of the disease;

(b) If the person concerned has exercised such an employment in the territory of the latter State, the insuring institution of the first State shall continue to be responsible for providing the benefits payable under its own legislation, no account being taken of the worsening of the disease; the insuring institution of the other State shall grant to the person concerned an additional benefit the amount of which shall be fixed in accordance with the legislation of that other State and which shall be equal to the difference between the amount of the benefit payable after the worsening of the disease and the amount that would have been payable if the disease, before worsening, had been contracted in its territory.

Chapter V. FAMILY ALLOWANCES

Article 32

1. Employed persons or persons treated as such, of French or Algerian nationality, who are employed in the territory of one of the two States may claim family allowances for their children resident in the territory of the other State, under the conditions specified below, if they fulfil the occupational requirements laid down in the legislation applicable at their place of employment.

2. The benefits provided for in this article shall be paid on the basis of periods of employment or periods treated as such; the competent agency of each State shall take into account, as necessary, all periods of employment or periods treated as such completed in the territory of both States.

3. The children eligible for the family allowances provided for in this article shall be the dependent children of the employed person concerned, provided that they also have the status of legitimate children, recognized natural children or adopted children of the employed person or of his spouse.

4. The family allowances shall be paid by the institution of the country of residence of the children, at the rates and in accordance with the procedures provided for by the legislation applicable in that country.

5. The institution with which the employed person is insured shall pay to the central institution of his country of residence a share of the cost, calculated in accordance with a scale determined by agreement between the competent authorities of the two States. The said scale shall be subject to revision, in the light of changes in the family allowance rates in the two countries. Such revision may not take place more than once a year.

Article 33

Entitlement to the benefits provided for in the preceding article shall cease upon the expiry of a period of six years from the date on which the employed person entered the territory of the new country of employment. This condition may be waived by additional agreements to the present Convention.

In the case of French and Algerian employed persons who are employed in one of the two countries on the date on which this Convention enters into force, that date shall constitute the beginning of the period referred to in the preceding paragraph.

Article 34

The conditions for the application of articles 32 and 33, and in particular the determination of the procedures for payment of the share of the cost provided for in article 32, paragraph 5, shall be laid down in an administrative arrangement.

Article 35

Children of the employed persons referred to in article 3, paragraph 2, of this Convention who accompany such persons while they are temporarily employed in the other country shall be eligible for the family benefits provided under the legislation of the country of origin.

PART III. MISCELLANEOUS PROVISIONS

Article 36

In each of the Contracting States, the Ministers responsible, each within the limits of his competence, for the application of the schemes enumerated in article 2

shall be deemed to be the competent administrative authorities for the purposes of this Convention.

Article 37

The competent authorities:

- (1) Shall make such administrative arrangements as may be required for the application of this Convention;
- (2) Shall communicate to each other information regarding any measures taken by them for the application of the Convention;
- (3) Shall communicate to each other, as soon as possible, information regarding any amendments to their legislation which may affect the application of the Convention.

Article 38

1. The competent authorities and the social security agencies of the two Contracting Parties shall furnish assistance to one another with regard to any matter relating to the application of this Convention and of the social security legislation of the other State as if the matter were one affecting the application of their own social security legislation.

2. The competent authorities shall, in particular, agree upon the arrangements for medical and administrative supervision and expert services required for the application of this Convention and of the social security legislation of the two States.

Article 39

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

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 40

Appeals which should have been presented within a prescribed time-limit to an authority or agency competent to accept appeals in matters of social security in one of the Contracting States shall be admissible if they are presented within the same time-limit to a corresponding authority or agency of the other State. In such cases, the latter authority or agency shall without delay transmit the appeal to the competent authority or agency.

If the authority or agency to which the appeal has been presented does not know which is the competent authority or agency, the appeal may be transmitted through the authorities specified in article 36 above.

Article 41

Agencies which are liable for benefits under this Convention shall be held to discharge their liability validly by payment in the currency of their State.

Article 42

Notwithstanding any domestic exchange control provisions, the two Govern-

ments mutually undertake to create no obstacle to the free transfer of all movements of funds resulting from the application of this Convention.

The administrative authorities of the two countries may designate central agencies for the transfer of all or some of the benefits provided for in this Convention, under conditions to be laid down by administrative arrangement.

Article 43

Nothing in this Convention shall in any way invalidate the rules laid down in the schemes referred to in article 2 for the participation of insured persons in the elections connected with the function of social security.

Article 44

Any formalities which may be prescribed by the laws or regulations of one Contracting State for the provision outside its territory of benefits dispensed by its competent agencies shall also apply, in the same manner as to nationals, to persons awarded such benefits under this Convention.

Article 45

1. Any difficulties relating to the application of this Convention shall be resolved by agreement between the administrative authorities specified to article 36.

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 46

The Government of 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. The Convention shall enter into force on the first day of the second month following the date of the later such notification.

Article 47

This Convention 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 Convention shall continue to apply to acquired rights, notwithstanding any restrictive provisions in the relevant schemes concerning an insured person who is resident abroad.

DONE at Paris on 19 January 1965 in duplicate.

For the Government
of the French Republic:

[JEAN DE BROGLIE]

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

[CHAIB TALEB]

PROTOCOL No. 3

ON OLD AGE INSURANCE PERIODS COMPLETED BY FRENCH NATIONALS IN ALGERIA
PRIOR TO 1 JULY 1962

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

Considering that under the terms of article 1, paragraph 1, and part II, chapter III, of the General Convention on Social Security between the Government of the French Republic and the Government of the People's Democratic Republic of Algeria, the institutions of the country of employment are liable for old age benefits to which rights have been, are being or may hereafter be acquired on the basis of insurance periods or periods treated as such completed in that country;

Considering, however, that, as a result of the exceptional circumstances in which Algeria acceded to independence, the institutions of that country are not in a position to assume the obligations arising from the aforementioned provisions in respect of French nationals resident in France,

Desiring to guarantee the rights of such nationals,
Agree on the following provisions:

Article 1. Notwithstanding the provisions of article 1, paragraph 1, and part II, chapter III, of the General Convention, Algerian institutions shall, in respect of French nationals resident in France, be exonerated from their obligations arising from insurance periods or periods treated as such which were completed in Algeria under an Algerian basic scheme prior to 1 July 1962 and on the basis of which rights to old age benefits have been, are being, or may hereafter, be acquired by such nationals.

Article 2. French institutions administering compulsory basic old age insurance schemes shall, in respect of the French nationals referred to in article 1, validate insurance periods or periods treated as such which were completed in Algeria prior to 1 July 1962.

The French Government shall take such measures as are necessary for the application of this article, including the designation of the institutions to which beneficiaries will be affiliated.

Article 3. This Protocol is concluded for the same term as the General Convention, to which it shall be annexed.

DONE in duplicate at Paris on 19 January 1965.

For the Government
of the French Republic:

[JEAN DE BROGLIE]

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

[CHAIB TALEB]

PROTOCOL¹ No. 1 ON THE SCHEME OF SOCIAL INSURANCE FOR STUDENTS

The Government of the French Republic and

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

Desiring to co-operate in the cultural field and to provide for the social welfare of nationals of each State who are pursuing their studies in the territory of the other, have decided to adopt the following measures:

Article 1. The French scheme of social insurance for students as laid down in the Social Security Code, book VI, title 1, shall apply to Algerian students pursuing their studies in France who, as holders of fellowships within the framework of technical and cultural cooperation, neither have social insurance coverage nor are dependants of persons having such coverage in France, under the same conditions as it applies to French students.

Article 2. The Algerian scheme of social insurance for students shall apply to French students pursuing their studies in Algeria who neither have social insurance coverage nor are dependants of persons having such coverage in Algeria, under the same conditions as it applies to Algerian students.

Article 3. The Government of 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 Protocol. The Protocol shall enter into force on the first day of the third month following the date of the later such notification.

Article 4. This Protocol is concluded for a term of one year from the date of its entry into force and shall be renewed by tacit agreement, unless notice of denunciation is given three months before the expiry of the term.

In the event of denunciation, the provisions of this Protocol shall continue to apply to acquired rights.

DONE at Paris on 19 January 1965 in duplicate.

For the Government
of the French Republic:

[JEAN DE BROGLIE]

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

[CHAIB TALEB]

¹ Came into force on 1 June 1965, i.e. the first day of the third month following the date of the last of the notifications by which each Contracting Party informed the other of the completion of the required constitutional procedures, in accordance with article 3.

PROTOCOL¹ No. 2 ON THE GRANTING TO ALGERIAN NATIONALS OF THE OLD AGE ALLOWANCE FOR EMPLOYED PERSONS PROVIDED UNDER FRENCH LAW AND TO FRENCH NATIONALS OF THE OLD AGE ALLOWANCE FOR EMPLOYED PERSONS PROVIDED UNDER ALGERIAN LAW

The Government of the French Republic and
The Government of the People's Democratic Republic of Algeria,
Considering that under the social security legislation of each of the Parties the old age allowance for employed persons is, on account of its non-contributory character, reserved for its nationals,

Considering that it is desirable for employed persons of each Party to receive in the territory of the other the same treatment as nationals with regard to social security,

Agree to apply the following provisions:

Article 1. The old age allowance for employed persons provided under French law shall be granted to Algerian employed persons resident in France on the date on which the allowance is payable, under the same conditions as it is granted to French employed persons.

Article 2. The old age allowance for employed persons provided under Algerian law shall be granted to French employed persons resident in Algeria on the date on which the allowance is payable, under the same conditions as it is granted to Algerian employed persons.

Article 3. The Government of 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 Protocol. The Protocol shall enter into force on the first day of the third month following the date of the later such notification.

Article 4. This Protocol is concluded for a term of one year from the date of its entry into force and shall be renewed by tacit agreement, unless notice of denunciation is given three months before the expiry of the term.

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

DONE at Paris on 19 January 1965 in duplicate.

For the Government
of the French Republic:

[JEAN DE BROGLIE]

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

[CHAIB TALEB]

¹ Came into force on 1 June 1965, i.e. the first day of the third month following the date of the last of the notifications by which each Contracting Party informed the other of the completion of the required constitutional procedures, in accordance with article 3.

ADDITIONAL AGREEMENT¹ TO THE GENERAL CONVENTION
ON SOCIAL SECURITY BETWEEN FRANCE AND ALGERIA
SIGNED ON 19 JANUARY 1965²

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

Desiring, after several years of application of the General Convention on Social Security,² to improve the situation of nationals of both countries in the social field, and in particular the situation of the families of employed persons and the situation of former employed persons and their families,

Have agreed on the following provisions:

Article 1. There shall be added to the General Convention on article 9 *bis*, reading as follows:

“Article 9 *bis*

“The provisions of article 9 (paragraph 1) shall apply to dependants resident in France of an Algerian employed person who is employed in French territory and to dependants resident in Algeria of a French employed person who is employed in Algerian territory.

“The provisions of article 9 (paragraph 2) shall apply to dependants as aforementioned accompanying the employed person while he is staying temporarily in his country of origin during paid leave.”

Article 2. The last two paragraphs of article 11 of the General Convention shall be abrogated.

Article 3. There shall be added to the General Convention an article 11 *bis* reading as follows:

“Article 11 *bis*

“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 sickness insurance benefits in kind.

“Such benefits shall be provided to the pensioner and, where appropriate, 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.

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

“2. Where 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 is resident in the territory of the other country, sickness and maternity insurance benefits in kind shall be provided to him and, where appropriate, to

¹ Became effective from 1 May 1971 retroactively in so far as concerns articles 2 and 5, from 6 May 1972, the date of signature, in so far as concerns article 6, and 1 July 1972, in so far as concerns articles 1 and 3, and came into force definitively on 20 December 1972, the date of the last of the notifications by which each Contracting Party informed the other of the completion of the required constitutional procedures, in accordance with article 7.

² See p. 267 of this volume.

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.

“Entitlement to such benefits shall be determined in accordance with the provisions of the legislation of the country liable for the pension. The scope of the benefits and the manner in which they are provided shall be determined in accordance with the provisions of the legislation of the pensioner’s country of residence.

“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 15.”

Article 4. Article 15 of the General Convention shall be amended to read as follows:

“Article 15

“1. The costs of benefits in kind provided under articles 9, 9 *bis*, 10, 11 and 11 *bis* (paragraph 2) and the last paragraph of article 7 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 9, 9 *bis*, 11 and 11 *bis* (paragraph 2) and the last paragraph of article 7;

“(b) On presentation of vouchers in the cases referred to in article 10.”

“2. In the cases referred to in articles 11 and 11 *bis* (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 11 *bis* (paragraph 1), 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 for reimbursement in the cases referred to in article 11 *bis* (paragraph 2) but the provisions of the preceding paragraph of this article shall not apply.”

Article 5. Article 33 of the General Convention shall be abrogated.

Article 6. The procedures for applying the new provisions of the General Convention resulting from this Additional Agreement shall be determined by a further administrative arrangement amending and supplementing the General Administrative Arrangement of 19 January 1965.

Article 7. The Government of 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 Additional Agreement.

The Additional Agreement shall enter into force on the date of the later such notification.

However, the provisions of articles 2 and 5 of this Additional Agreement shall enter into force with effect from 1 May 1971; the provisions of articles 1 and 3 of this Additional Agreement shall enter into force with effect from 1 July 1972, and the provisions of article 6 of this Additional Agreement shall enter into force with effect from the date of signature of this Additional Agreement.

DONE at Paris, in duplicate, on 6 May 1972.

For the Government
of the French Republic:

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

[G. DE CHAMBRUN]

[M. BEDJAOUJ]