

No. 13812

**FRANCE
and
NIGER**

**General Convention on social security. Signed at Niamey on
28 March 1973**

**Protocol concerning the retention of certain sickness
insurance benefits by insured French nationals or
nationals of the Niger who move to the Niger. Signed at
Niamey on 28 March 1973**

**Protocol concerning the granting to nationals of the
Niger of the allowances for elderly wage-earning
workers established by French legislation. Signed at Niamey
on 28 March 1973**

**Protocol concerning the social insurance scheme for
students. Signed at Niamey on 28 March 1973**

Authentic texts: French.

Registered by France on 21 March 1975.

[TRANSLATION — TRADUCTION]

GENERAL CONVENTION¹ ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE NIGER

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

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 enable their nationals to keep preserve rights which they have acquired under the legislation of one State and to provide for the aggregation of insurance periods completed by their nationals under the legislation of either State;

Have decided to conclude a General Convention to co-ordinate the application to French nationals and nationals of the Niger of the social security legislation of France and of the Niger and to this end have agreed as follows:

PART I. GENERAL PROVISIONS AND SCOPE

Article 1. 1. French nationals engaged in a wage-earning occupation or in an occupation treated as such in the Niger shall be subject to the social security legislation specified in article 2 hereof, applicable in the Niger, and they and their dependants residing in Niger shall enjoy the benefits thereof on the same terms as nationals of the Niger.

2. Nationals of the Niger engaged in a wage-earning occupation or in an occupation treated as such in France shall be subject to the social security legislation specified in article 2 hereof applicable in France, and they and their dependants residing in France shall enjoy the benefits thereof on the same terms as French nationals.

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 relating to social insurance applicable:
 - to wage-earners in non-agricultural occupations;
 - to wage-earners and persons treated as such in agricultural occupations, with the exception of these provisions which extend the option of joining a voluntary old-age insurance scheme to wage-earning and non-wage-earning French nationals working 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;

¹ Came into force on 1 October 1974, i.e., the first day of third month following the date of the later notification by which the Government of each of the two Contracting Parties has notified the other of the completion of all constitutional procedures required, in accordance with article 55.

- e) The legislation relating to special social security schemes, in so far as they affect the risks and benefits covered by the legislation specified in the foregoing subparagraphs, particularly the social security system applicable in the mining industry;
- f) The legislation relating to seafarers, subject, where appropriate, to the conditions laid down by administrative agreement.

2. In the Niger:

- a) The legislation relating to the organization of social security;
- b) The legislation relating to family benefits;
- c) The legislation relating to the prevention of and compensation for industrial accidents and occupational diseases;
- d) The legislation relating to old-age, disability and survivors' pensions.

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 will be amended or supplemented.

It shall not, however, apply to:

- a) Laws or regulations covering a new branch of social security unless the Contracting Parties have concluded an agreement to that effect;
- b) Laws or regulations extending existing schemes to new categories of beneficiaries unless the Government of the Party amending its legislation does not oppose such application 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.

3. The conditions on which the provisions of French legislation and the legislation of the Niger relating to schemes for students may be applied to French nationals and to nationals of the Niger shall be the subject of a protocol to be annexed to this Convention .

Article 3. The territories to which the provisions of this Convention shall apply are:

- As concerns France: the European departments and the overseas departments (Guadeloupe, Guiana, Martinique and Réunion) of the French Republic;
- As concerns the Niger: the territory of the Republic of the Niger.

Article 4. 1. This Convention shall cover nationals of either Contracting Party engaged or having been engaged as permanent or seasonal worker in a wage-earning occupation or an occupation treated as such, and their dependants.

This Convention shall also cover stateless persons and refugees residing in the territory of either Contracting Party and their dependants.

2. The following shall be excluded from the scope of this Convention:

- 1. Workers other than those engaged in a wage-earning occupation or an occupation treated as such;
- 2. Civil servants, military personnel and persons treated as such;
- 3. Career diplomats and consular officers, and the permanent staff of chancelleries.

Article 5. 1. In accordance with the provisions of article 1 of this Convention, workers are subject to the legislation of a single Contracting Party, the legislation applicable being that of the Contracting Party in whose territory such workers pursue their occupation.

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

1. Workers who ordinarily work in the territory of one of the Contracting Parties for the enterprise by which they are normally employed and are assigned to the territory of the other Contracting Party in order to carry out specific work on behalf of that enterprise shall remain subject to the legislation of the former Party as if they were still working in its territory, provided that the expected duration of the work to be carried out shall not exceed one year.

If, as a result of unforeseen circumstances, the time required for the work exceeds the one year period originally planned, the legislation of the first Party shall remain applicable until completion of that work, subject to the concurrence of the competent authorities of the two Contracting Parties or authorities delegated by them for that purpose.

If the duration of the work is initially expected to exceed one year, the legislation of the first Party shall remain applicable throughout its duration, subject to the concurrence of the competent authorities of the two Contracting Parties or authorities delegated by them for that purpose.

2. Wage-earning staff other than those covered in article 4, employed by a government department of one of the Contracting Parties who are assigned to the territory of the other Party shall continue to be subject to the social security legislation of the assigning Party.

3. Wage-earning workers who are nationals of the country represented by the diplomatic or consular mission and who have not settled permanently in the country in which they are employed may choose to have either the legislation of their place of employment or that of their country of origin applied to them.

4. Staff other than civil servants who are made available to one Contracting Party by the other on the basis of a technical assistance contract concluded in implementation of co-operation agreements between France and the Niger shall be subject to the legislation of the first Contracting Party.

5. Travelling crews employed by international transport enterprises of either Contracting Party which operate transport services between the territories of the two Parties shall be subject to the social security legislation of the Party in whose territory the enterprise has its headquarters.

Article 6. The competent administrative authorities of the Contracting Parties may, by mutual agreement, provide for other exceptions to the provisions of article 5, paragraph 1.

Article 7. 1. French nationals residing in the Niger shall have the option of joining the voluntary insurance scheme provided for by the legislation of the Niger and of benefiting therefrom on the same terms as nationals of the country in which they reside, account being taken, where appropriate, of insurance periods or equivalent periods completed under the French scheme.

2. Nationals of the Niger residing in France shall have the option of joining the voluntary insurance scheme provided for by French legislation and of benefiting therefrom on the same terms as French nationals, account being taken, where appropriate, of insurance periods or equivalent periods completed under the scheme of the Niger.

3. The provisions of article 1 shall not prevent French workers covered by the social security system of the Niger and workers from the Niger subject to the French

social security system from contributing or continuing to contribute to the voluntary insurance scheme provided for by the legislation of the country of which they are nationals.

PART II. SPECIAL PROVISIONS

Chapter I. MATERNITY INSURANCE

Article 8. French female wage-earners in the Niger and female wage-earners of the Niger in France shall receive the maternity insurance benefits provided for under the legislation of their country of employment if:

- a) they have worked in that country in an occupation subject to such insurance;
- b) they satisfy the requirements in that country for the receipt of such benefits.

Article 9. If, for the purpose of entitlement to maternity insurance benefits, the person concerned has not completed the insurance period required under the legislation of the new country of employment, insurance periods or equivalent periods previously completed in the other country 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 two months have 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 10. A French female wage-earner employed in the Niger or a female wage-earner of the Niger employed in France who is entitled to maternity insurance benefits from, in the case of the former, an institution in the Niger or, in the case of the latter, a French institution, shall retain her entitlement to such benefits when she transfers her residence to the territory of the other State, provided that prior to her departure she obtained the authorization of the institution in the Niger or in France with which she is insured.

Such benefits shall not be payable after the end of the period of postnatal recuperation provided for by the legislation of the new country of residence.

However, in the event of a pathological pregnancy or pathological postpartum effects, the payments of benefits may, by way of exception, continue beyond that period at the discretion of the insuring institution and on the advice of its medical staff, on conditions laid down by administrative agreement.

Article 11. A French female wage-earner employed in the Niger or a female wage-earner of the Niger employed in France shall be entitled to maternity insurance benefits during a temporary stay in her country of origin while on paid leave, subject to the prior agreement of the institution with which she is insured in the Niger or in France.

Such benefits shall not be payable after the end of the period of postnatal recuperation provided for by the legislation of the country of temporary residence.

However, in the event of a pathological pregnancy or pathological postpartum effects, the payment of benefits may, by way of exception, continue beyond that period at the discretion of the insuring institution and on the advice of its medical staff, on conditions laid down by administrative agreement.

Article 12. 1. In the cases specified in articles 10 and 11:

- benefits in kind (treatment) shall be provided by the institution of the new coun-

try of residence or the country of temporary residence of the female wage-earner in accordance with the provisions of the legislation applicable in that country as regards the coverage 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.

2. In the cases specified in articles 10 and 11, the cost of benefits shall be borne by the institution with which the 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 or the country of temporary residence of the insured person.

Chapter II. FAMILY BENEFITS

Article 13. If the legislation of one on the Contracting Parties makes entitlement to family benefits dependent on the completion of periods of employment or periods treated as such, the institution which applies that legislation shall, where necessary, take account for that purpose of any periods of employment or periods treated as such completed in the territory of either Party.

Article 14. Wage-earning workers who are French nationals or nationals of the Niger employed in France or in the Niger may claim benefits for their children residing in the territory of the other Party on the conditions stipulated hereunder if they fulfil the occupational requirements laid down by the legislation of the country of employment governing family benefits.

1. The benefits provided for in this article shall be paid in respect of periods of employment and periods treated as such;

2. Children eligible to receive the benefits provided for in this article shall be the worker's minor dependants, provided that they also have the status of legitimate children, acknowledged natural children or adopted children of the worker or his spouse;

3. The family benefits shall be paid by the institution of the country of residence of the children in the manner and at the rate provided for by the legislation applicable in that country;

4. The institution with which the worker is insured shall pay to the centralizing agency of his country or residence a flat-rate contribution computed on the basis of a maximum of four children. The amount of the contribution shall be fixed by mutual agreement between the competent authorities of the two Parties. Such amounts, to be listed in a document annexed to the administrative agreement, may be reviewed in both countries simultaneously in the light of variations in the family benefit rates. Such a review shall not be made more than once a year.

Article 15. Arrangements for the implementation of article 14, particularly to determine the conditions for payment of the contribution provided for in paragraph 4 of that article, shall be laid down in an administrative agreement.

Article 16. Children of the workers referred to in article 5, paragraph 2.1, of this Convention who accompany them to the other country shall be entitled to the family benefits provided for in the legislation of the country of origin, as set out in the administrative agreement.

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

Chapter III. DISABILITY INSURANCE

Article 17. Nationals of either Contracting Party in receipt of a disability pension under the legislation of one Party shall be entitled to the full benefit of such pension when residing temporarily or permanently in the territory of the other Party.

Article 18. 1. In the case of wage-earning workers of the Niger or French wage-earning workers who have been insured successively or alternately in both Contracting States under one or more disability insurance schemes, insurance periods completed under those schemes or periods recognized as being equivalent to insurance periods by virtue of such schemes shall be aggregated, on condition that they do not overlap, for the purposes of entitlement to and computation of disability insurance benefits, and of the preservation or recovery of such entitlement.

2. The disability pension shall be paid in accordance with the legislation applicable to the person concerned at the time when he had to stop working as a result of the disease or accident and the subsequent disability.

The cost of the disability pension shall be borne by the competent institution under that legislation.

Article 19. 1. If, after suspension of the disability pension, the insured person recovers his entitlement, payment of benefits shall be resumed by the institution liable for the pension originally awarded.

2. If, after suspension of the disability pension, the state of health of the insured person justifies the granting of a further disability pension, the latter shall be paid in accordance with the rules laid down in article 18 hereof.

Article 20. 1. The disability pension shall be converted, as appropriate, into an old-age pension on the conditions laid down by the legislation by virtue of which it was awarded: the provisions of chapter 4 shall be applied where appropriate.

2. If the sum of the benefits which the insured person can claim under each of the old-age insurance schemes of the two Parties is less than the amount of the disability pension, a supplement equal to the difference shall be paid to him by the insurance scheme which awarded that pension.

Article 21. The provisions of this chapter shall apply to workers who have been employed in the mining industry in France and in the Niger for the purposes of determining entitlement to the disability benefits payable under the French social security scheme for mineworkers and for the preservation or recovery of that entitlement.

However, the occupational disability pension provided for under special legislation relating to mineworkers in France shall be granted to insured persons who were subject to that legislation at the time when the accident or disease which caused the disability occurred and who have resided in France or in the Niger up to the time of payment of such pension.

The pension shall cease to be paid to pensioners who resume work outside France.

Chapter IV. OLD-AGE INSURANCE AND SURVIVOR'S INSURANCE (SURVIVORS' BENEFITS)

Article 22. 1. French wage-earning workers or wage-earning workers of the Niger who have during their working lives been insured successively or alternately in

both contracting countries with one or more old-age insurance schemes in each of those countries shall, when they become entitled to benefits, be free to choose whether the legislation of the two contracting countries shall be applied jointly or separately

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

If, on the other hand, they choose to have the legislation of the two countries applied jointly, the benefits which they may claim under the legislation of both shall be paid in accordance with the rules laid down in the subsequent articles of this chapter.

2. If the death which creates an entitlement to the award of a survivor's pension occurs before the worker has secured settlement of his rights in respect of the old-age insurance, his heirs may exercise the choice referred to in paragraph 1 of this article.

Article 23. 1. Insurance periods completed under the legislation of each of the two contracting countries and, likewise, periods recognized as equivalent to insurance periods, shall, provided that they do not overlap, be aggregated for the purposes of determining entitlement to benefit and of preserving or recovering such entitlement.

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

If a period recognized as equivalent to an insurance period under the legislation of one country coincides with an insurance period completed in the other, only the insurance 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.

3. If the legislation of one of the Contracting Parties makes the award of certain benefits subject to the requirement that the insurance period shall have been completed in an occupation which is subject to a special insurance scheme, only periods completed under the corresponding special scheme of the other Party shall be taken into account for the purpose of qualifying for such benefits.

If, in either contracting country, there is no special scheme for the occupation in question, insurance periods completed in that occupation shall nevertheless be taken into account for the purpose of qualifying for benefits under the general scheme.

However, although no special social security scheme for the mining industry exists in the Niger, periods of employment completed in that industry in the Niger may be aggregated with periods of employment completed in France under the special social security scheme for the mining industry, to the extent that the former periods, if completed in France, would have created an entitlement to the benefits provided for under the French special scheme.

Article 24. The competent institution of each country shall determine, bearing in mind the aggregation of completed periods in pursuance of the preceding article and in accordance with its own legislation, whether the person concerned satisfies the requirements for entitlement to the old-age insurance benefits provided for under that legislation.

If such entitlement exists, the competent institution of each country shall compute the benefit to which the insured would be entitled if all insurance periods or periods recognized as equivalent, aggregated in accordance with the rules laid down in the preceding article, had been completed under its legislation alone.

The benefit actually payable to the person concerned by the competent institution of each country shall be computed by reducing the amount of the benefit referred to in the preceding paragraph *pro rata* to the ratio of the length of the insurance periods or periods recognized as equivalent completed under its own legislation to the aggregate length of the periods completed in the two countries.

Article 25. If the insurance periods completed under the legislation of either Party are less than one year, no benefits shall be payable under the legislation of that Party.

Such periods shall, however, be taken into consideration for the purpose of acquiring by aggregation entitlement to benefits under the legislation of the other Party under the terms of article 23 hereof, provided that no reduction of the benefit payable under the legislation of either Contracting Party results.

Article 26. If the insured person does not simultaneously satisfy the requirements imposed by the two bodies of legislation applicable to him but satisfies the requirements of only one of them, the payment of the old-age benefit by aggregation of the periods completed in the two countries shall be postponed until the requirements imposed by the other body of legislation have also been satisfied.

He shall be entitled only to the benefits provided for under the national legislation which confers the entitlement, account being taken only of the periods completed under that legislation.

When the requirements imposed by the other body of legislation have been satisfied, the benefits already paid under the terms of articles 23 and 24 above shall be reviewed, provided that the earlier payments did not involve a reimbursement of contributions.

Article 27. The provisions of this chapter shall apply, by analogy, to the rights of surviving spouses and children.

If, according to the civil registers, the insured person had more than one spouse, the benefits payable to the surviving spouse shall be apportioned equally and finally among them.

Chapter V. PROVISIONS COMMON TO DISABILITY, OLD-AGE AND SURVIVORS' INSURANCE

Article 28. If the legislation of one Contracting Party makes the grant of certain benefits or the completion of certain formalities subject to certain conditions regarding residence in that country, such conditions shall not apply to French nationals or to nationals of the Niger while resident in either contracting country.

In the case of old-age insurance, however:

- a) The special allowance and cumulative grant provided for by the special French legislation applicable to mineworkers shall be payable only to persons who continue to work in the French mines.
- b) The allowances for dependent children provided for by the special French legislation applicable to mineworkers shall be paid in accordance with the conditions laid down in that legislation.

Article 29. If under the legislation of either Contracting Party the benefits paid are based on the average wage for the whole or part of the insurance period, the average wage to be taken into account in computing the benefits to be paid by that Party shall be determined on the basis of the wage earned during the insurance period completed under its legislation.

Article 30. Arrangements for the implementation of chapters I, III and IV of this part, covering, *inter alia*, time-limits and procedures for the submission and investigation of claims for benefits, shall be laid down in an administrative agreement.

Chapter VI. INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 31. 1. No provisions in the legislation of one Contracting Party on industrial accidents and occupational diseases which limit the rights of aliens or disqualify them by reason of their place of residence shall apply to nationals of the other Party.

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

Article 32. 1. A French worker who has sustained an industrial accident or contracted an occupational disease in the Niger or a worker of the Niger who has sustained an industrial accident or contracted an occupational disease in France and 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 Party.

2. However, before transferring his residence the worker shall obtain the authorization of the institution with which he is insured, which shall take due account of the reasons for the transfer. Such authorization shall be valid only for the period specified by the insuring institution. If, on the expiry of the period specified, the state of health a person concerned so requires, the period shall, by a decision made by the insuring institution on the basis of a favourable opinion by its medical advisers, be extended until he has recovered or until the injury has properly healed.

Article 33. 1. The benefits in kind (treatment) provided for in article 32 of this Convention shall be provided by the institution in the new country of residence of the person concerned, in accordance with the provisions of the legislation applied by that institution as regards the coverage of such benefits and the manner in which they are provided.

2. The cash benefits provided for in article 32 of this Convention shall be provided by the institution with which the person concerned is insured, in accordance with the legislation applied by it.

3. However, in the case of persons having sustained an accident in agricultural work in France who are authorized to transfer their residence to the Niger, the benefits in kind (treatment) and in cash shall be provided directly by the employer responsible or the insurer acting for him.

4. The cost of the benefits referred to in article 32 of this Convention shall be borne by the institution with which the person concerned is insured. The administrative agreement shall lay down arrangements for the reimbursement of benefits in kind by the insuring institution to the institution of the person's new country of residence.

Article 34. If a French wage-earning worker or a wage-earning worker of the Niger suffers a recurrence of the effects of his accident or occupational disease after having transferred his residence to the other country, he shall be entitled to industrial accident insurance benefits, provided that he has obtained the agreement of the institution in the Niger or in France with which he was insured at the time of the accident or when the occupational disease was first medically diagnosed.

In this event, the provisions of article 33 of this Convention shall apply to the provision and cost of benefits.

Article 35. In the cases specified in articles 32 and 34, the supply of prostheses, major appliances and other high-cost benefits in kind, a list of which shall be annexed to the administrative agreement, shall be subject, except in cases of emergency, to prior authorization by the institution with which the person concerned is insured.

Article 36. In assessing the degree of permanent disability resulting from an industrial accident or an occupational disease for the purpose of the legislation of either Party, industrial accidents previously sustained and occupational diseases previously contracted under the legislation of the other Party shall be taken into account as though they had been sustained or contracted under the legislation of the first Party.

Article 37. In the event of an industrial accident followed by death, where the civil registers show that the person concerned had more than one spouse, the pension payable to the surviving spouse shall be apportioned equally and finally between the spouses.

Article 38. 1. When a person suffering from an occupational disease has been performing in the territory of both Parties work liable to produce such disease, that person or his survivors may claim only those benefits specified under the legislation of the Party in whose territory he last performed such work and on condition that he satisfies the requirements laid down in that legislation.

2. If the legislation of one of the Parties makes the award of occupational disease benefits subject to the requirement that the first medical diagnosis of the disease should have been made in its territory, that requirement shall be deemed to have been satisfied if the disease was first diagnosed in the territory of the other Party.

3. In cases of sclerogenous pneumoconiosis, the following provisions shall apply:

a) When the legislation of one of the Parties makes the award of occupational disease benefits subject to the requirement that an occupation capable of producing the disease in question should have been engaged in for a specified period, the competent institution of that Party shall take into consideration, to the extent necessary, periods during which such occupation has been engaged in the territory of the other Party.

b) The cost of monetary benefits shall be apportioned between the competent institutions of the two Parties in accordance with procedures to be laid down by administrative agreement.

Article 39. In the event of a worsening of an occupational disease for which compensation is being paid under the legislation of one of the Parties while the person concerned is resident in the territory of the other Party, the following rules shall apply:

a) If the worker has not been engaged in the territory of his new country of residence in an occupation capable of producing the occupational disease in question, the institution of the first country shall bear the cost of the worsening of the disease under the terms of its own legislation;

b) If the worker has been engaged in his new country of residence in an occupation liable to cause the occupational disease:

- The institution of the first Party shall continue to bear the cost of the benefits due to the person concerned under its own legislation as if there had been no worsening of the disease;
- The institution of the other Party shall bear the cost of the additional benefits associated with the worsening of the disease. The amount of the additional benefit shall then be determined according to the legislation of that Party as if the disease had been contracted in its own territory; the amount shall be equal to the difference between the amount of benefit payable after the said worsening and that which would have been payable before it occurred.

PART III. MISCELLANEOUS PROVISIONS

Article 40. A general administrative agreement, drawn up by the competent administrative authorities of the two countries, shall establish any arrangements necessary for the implementation of this Convention, in particular those contemplated in the articles which expressly refer to such an agreement.

The said agreement shall designate the liaison agencies of the two countries.

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

Article 41. In each Contracting Party, the ministers responsible for the implementation of the legislation enumerated in article 2 shall be deemed within the limits of their respective competence to be the competent administrative authorities for the purposes of this Convention.

Article 42. The competent administrative authorities of the two countries shall:

- in addition to drawing up the general administrative agreement referred to in article 40, make any administrative arrangements supplementing or amending that agreement;
- communicate to each other directly full information regarding any measures taken in their respective countries in implementation of this Convention and the agreements pursuant to it;
- report to each other any difficulties which may arise at the technical level from the implementation of the provisions of this Convention or the agreements concluded pursuant to it;
- communicate to each other directly all information regarding amendments to the legislation and regulations referred to in article 2 in so far as such changes might affect the implementation of this Convention or the agreements concluded on its implementation.

Article 43. 1. The competent administrative authorities and the social security institutions of the two Contracting Parties shall assist each other in im-

plementing this Convention and the social security legislation of the other Party as if the implementation of their own social security legislation were in question.

2. The competent authorities shall, in particular, establish by administrative agreement procedures for medical and administrative supervision and for expert services required for the implementation of this Convention and of their respective social security legislations.

3. Unpaid contributions and penalties due to an institution of one of the Contracting Parties may be recovered in the territory of the other Party, in accordance with the administrative procedure and subject to the guarantees and privileges applicable to the recovery of unpaid contributions and penalties due to the institution of that first Party.

Article 44. In the case of a person receiving benefits under the legislation of one Contracting Party for an injury caused or sustained in the territory of the other Contracting Party, the rights of the institution liable for the payment of such benefits vis-à-vis the third party liable for compensation for the injury shall be regulated as follows:

(a) When, under the legislation applied by the institution liable for payment, all or some of the rights of the beneficiary vis-à-vis the third party are delegated to it, the other Contracting Party shall recognize such delegation;

(b) When the institution liable for payment has a direct right vis-à-vis the third party, the other Contracting Party shall recognize such right.

Article 45. 1. Any exemption from registration fees, court fees, stamp duties and consular fees provided for by the legislation of one Contracting Party in respect of documents required to be submitted to the social security authorities or institutions of that Party shall be extended to similar documents required to be submitted for the purposes of this Convention to the social security authorities or institutions of the other Party.

2. Legalization by consular authorities shall be waived in respect of all legal instruments and documents required to be submitted for the purposes of this Convention.

Article 46. Appeals in social security matters which should have been lodged within a specified period with an authority, institution or court of either Contracting Party competent to receive them shall be receivable if they are lodged within the same period with the corresponding authority, institution or court of the other Party. In such cases, the appeals shall be transmitted to the competent authority, institution or court of the former Party without delay.

Article 47. Notwithstanding any internal provisions concerning exchange control, the two Governments shall undertake not to obstruct in any way the transfer of monies representing any payments made in connexion with social security or social insurance transactions in implementation of either this Convention or the internal legislation of either Party concerning both wage-earning workers or workers treated as such and non-wage-earning workers, including payments under voluntary insurance and supplementary pension schemes.

The competent administrative authorities of the two countries may, by administrative agreement, delegate to the liaison agencies of the two countries the task of centralizing all or part of the benefits provided for in this Convention for the purpose of transferring them to the other country.

Such benefits shall be transferred through the issuing agencies of the two Parties.

Article 48. The institutions liable for the payment of benefits under this Convention shall be deemed to discharge their liability validly in the currency of their country.

The amount of any reimbursements provided for in this Convention, whether reckoned on the basis of actual expenditure or at a flat rate, shall be computed in the national currency of the institution which paid the benefits at the rate of exchange in force on the day of payment.

Article 49. There shall be no derogation from the rules laid down by the legislation referred to in article 2 concerning requirements for the participation of aliens in elections connected with the operation of the social security schemes of either Party.

Article 50. Any formalities prescribed by the legislation or regulations of one Contracting Party for the payment in the territory of the other Party of benefits due to its nationals shall also apply, on the same terms, to nationals of the other Party qualifying for such benefits by virtue of this Convention.

Article 51. 1. Any difficulties relating to the implementation of this Convention shall be settled by agreement between the competent administrative authorities of the Contracting Parties.

2. If it is found impossible to reach a solution by this means, the dispute shall be settled by agreement between the two Governments.

3. If it is found impossible to settle the dispute by the latter procedure, it shall be submitted to an arbitration procedure agreed to by the two Governments.

Article 52. French workers, together with members of their families accompanying them to the Niger, shall, in the circumstances described in article 5, paragraph 2.1, of this Convention, be entitled to sickness and maternity insurance benefits under the French social security scheme throughout their stay in the Niger.

Benefits, both in cash and in kind, shall be provided directly by the French institution with which they are insured.

PART IV. TRANSITIONAL AND FINAL PROVISIONS

Article 53. 1. This Convention shall create no entitlement to the payment of benefits for a period prior to the date of its entry into force.

2. Notwithstanding the provisions of paragraph 1, annuities or pensions which, prior to the entry into force of this Convention, had not been awarded or had been awarded separately, or which had been suspended or reduced by reason of the nationality or residence of the recipients in implementation of the provisions in force in each of the contracting countries, may be awarded, restored or reviewed under the terms of this Convention.

The award, restoration or review shall be carried out in accordance with the rules laid down in this Convention, subject to any insurance period completed under the legislation of one Contracting Party before the entry into force of this Convention being taken into consideration in determining entitlements under the provisions of this Convention.

3. There shall, however, be no review if the entitlements previously awarded have been the subject or a lump-sum payment.

Article 54. 1. The annuities or pensions in question shall be awarded, restored or reviewed on the application of the persons concerned.

The application shall be submitted to the competent institutions of either Contracting Party.

It shall take effect from the first day of the month following that in which the application was submitted.

2. If the application is submitted within one year from the date of the entry into force of the Convention, it shall take effect retroactively from that date.

Article 55. The Government of each Contracting Party shall notify the other of the completion of all constitutional procedures required for the entry into force of this Convention. The Convention shall enter into force on the first day of the third month following the date of the later of such notifications.

Article 56. This Convention shall remain in force for a period of one year from the date of its entry into force. It shall be renewed by tacit agreement for 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 remain applicable to any acquired rights, notwithstanding any restrictive provisions in the legislation of either Party concerning an insured person who is resident abroad.

DONE at Niamey, on 28 March 1973, in duplicate, both texts being equally authentic.

For the Government of the French Republic:

[Signed]

PAUL-HENRI GASCHIGNARD

For the Government of the Republic of the Niger:

[Signed]

GARBA KATAMBE

PROTOCOL CONCERNING THE RETENTION OF CERTAIN SICKNESS INSURANCE BENEFITS BY INSURED FRENCH NATIONALS OR NATIONALS OF THE NIGER WHO MOVE TO THE NIGER

The Government of the French Republic and the Government of the Republic of Niger

have decided to adopt, until such time as a sickness insurance scheme is established by law in the Niger, the following provisions concerning French nationals or nationals of the Niger covered by the French sickness insurance scheme who move to the Niger in certain circumstances.

Article 1. A French worker or a worker of the Niger employed in a wage-earning occupation in France who has qualified for cash benefits shall retain such entitlement for a period not exceeding six months if he transfers his residence to the territory of the Niger, provided that, prior to the transfer, he has obtained the authorization of the institution with which he is insured, which shall take due account of the reason for the transfer.

Article 2. During the six-month period referred to in article 1, the French insuring institution shall, on the basis of a favourable opinion by its medical advisers, reimburse part of the cost of any treatment received in the Niger by a worker authorized to transfer his residence in pursuance of article 1 hereof.

These provisions shall apply only to the worker himself and not to members of his family.

Article 3. An administrative agreement shall specify, *inter alia*:

- a) the nature of the benefits for which reimbursement shall be made;
- b) the limitations and conditions applicable to the provision of these benefits, including the list of benefits the provision of which is subject to prior authorization;
- c) the basis on which reimbursements shall be made by French institutions. These reimbursements may be made either at a flat rate or on the basis of a scale of maximum charges drawn up in the Niger, subject to a deduction representing the proportion of the cost to be borne by the insured person, the amount of which shall be determined in accordance with the legislation applied by the reimbursing institution;
- d) the arrangements for medical and administrative supervision of patients in the Niger on behalf of the insuring institution;
- e) the institutions responsible for the provision of benefits in the Niger and, where necessary, the liaison agencies in France and in the Niger;
- f) the procedures for inter-institutional financial settlements.

Article 4. If legislation relating to sickness insurance is enacted in the Niger, the provisions of this Protocol shall cease to have effect, and a new agreement on sickness insurance shall be concluded between the two Parties.

¹ Came into force on 1 October 1974, the date of entry into force of the General Convention of 28 March 1973.

Article 5. The Government of each Contracting Party shall notify the other of the completion of the constitutional formalities required for the entry into force of this Protocol. This Protocol shall enter into force on the first day of the third month following the date of the later of such notifications.

Article 6. This Protocol shall remain in force for a period of one year from the date of entry into force. It shall be renewed by tacit agreement for 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 Protocol shall remain applicable to any acquired rights notwithstanding any restrictive provisions in the legislation concerned applicable to an insured person who is resident abroad.

DONE at Niamey, on 28 March 1973, in duplicate.

For the Government of the French Republic:

[Signed]

PAUL-HENRI GASCHIGNARD

For the Government of the Republic of the Niger:

[Signed]

GARBA KATAMBE

PROTOCOL¹ CONCERNING THE GRANTING TO NATIONALS OF
THE NIGER OF THE ALLOWANCES FOR ELDERLY WAGE-
EARNING WORKERS ESTABLISHED BY FRENCH LEGISLA-
TION

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

Considering that the allowance for elderly wage-earning workers established by French social security legislation is, on account of its non-contributory character, reserved for French nationals,

Considering that it is desirable that wage-earning workers of either Party should enjoy equal treatment with its nationals in the territory of the other Party for the purposes of social security,

Agree to apply the following provisions:

Article 1. The allowance for elderly wage-earning workers shall be granted to elderly wage-earning workers of the Niger residing in France at the date of the award of the allowance on the same terms as to French elderly workers.

Article 2. The allowance shall continue to be paid if the persons concerned transfer their residence to the territory of the Niger.

Article 3. The Government of each Contracting Party shall notify the other of the completion of the constitutional formalities required for the entry into force of this Protocol.

This Protocol shall enter into force on the first day of the third month following the date of the later of such notifications.

Article 4. This Protocol shall remain in force for a period of one year from the date of the entry into force. It shall be renewed by tacit agreement for 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 Protocol shall remain applicable to any acquired rights, notwithstanding any restrictive provisions in the legislation concerned applicable to an insured person who is resident abroad.

DONE at Niamey, on 28 March 1973, in duplicate.

For the Government of the French Republic:

[Signed]

PAUL-HENRI GASCHIGNARD

For the Government of the Republic of the Niger:

[Signed]

GARBA KATAMBE

¹ Came into force on 1 October 1974, the date of entry into force of the General Convention of 28 March 1973.

PROTOCOL¹ CONCERNING THE SOCIAL INSURANCE SCHEME FOR STUDENTS

The Government of the French Republic and the Government of the Republic of the Niger, desiring to co-operate in the cultural field and to ensure in the social field protection of the nationals of each State pursuing their studies in the territory of the other, have decided to adopt the following measures:

Article 1. The French social insurance scheme for students instituted in the Social Security Code, Book VI, Part I, shall apply, on the same terms as to French students, to students of the Niger studying in France who are not covered by French social insurance and are not dependants of persons having such coverage.

Article 2. The two Governments undertake to ensure equal treatment with respect to social security for students of the Niger and French students in the territory of each of the two Parties.

Article 3. The Government of each Contracting Party shall notify the other of the completion of the constitutional formalities required for the entry into force of this Protocol. This Protocol shall enter into force on the first day of the third month following the date of the later of such notifications.

Article 4. This Protocol shall remain in force for a period of one year from the date of its entry into force. It shall be renewed by tacit agreement for 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 Protocol shall remain applicable to any acquired rights, notwithstanding any restrictive provisions in the legislation concerned applicable to an insured person who is resident abroad.

DONE at Niamey, on 28 March 1973, in duplicate.

For the Government of the French Republic:

[Signed]

PAUL-HENRI GASCHIGNARD

For the Government of the Republic of the Niger:

[Signed]

GARBA KATAMBE

¹ Came into force on 1 October 1974, the date of entry into force of the General Convention of 28 March 1973.