

No. 16175

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**FRANCE  
and  
SENEGAL**

**Convention on social security. Signed at Paris on 29 March 1974**

**Protocol No. 1 to the above-mentioned Convention concerning the retention of certain sickness benefits by insured French or Senegalese nationals who move to Senegal. Signed at Paris on 29 March 1974**

**Protocol No. 2 to the above-mentioned Convention concerning the social insurance scheme for students. Signed at Paris on 29 March 1974**

**Protocol No. 3 to the above-mentioned Convention concerning the granting to Senegalese nationals of the allowance for elderly employed persons under French legislation. Signed at Paris on 29 March 1974**

**Protocol No. 4 to the above-mentioned Convention concerning the granting of non-contributory old-age benefits under French legislation to Senegalese nationals resident in France. Signed at Paris on 29 March 1974**

**Protocol No. 5 to the above-mentioned Convention concerning the supplementary allowance under the French Act of 30 June 1956 instituting a national solidarity fund. Signed at Paris on 29 March 1974**

*Authentic texts: French.*

*Registered by France on 29 December 1977.*

[TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF SENEGAL

The Government of the French Republic, on the one hand,  
The Government of the Republic of Senegal, on the other hand,  
Considering the bonds of friendship which exist between the two countries,  
Desiring to co-operate in the social field on the basis of reciprocity, mutual respect and mutual interest,

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

Desiring to ensure for their nationals rights acquired under the legislation of either State,

Have decided to conclude a new general Convention on social security to replace the preceding Convention and, to that end, have agreed on the following provisions:

P A R T I

GENERAL PROVISIONS

*Article I.* Equal treatment

1. French nationals engaged in Senegal in paid employment or in an activity treated as such shall be subject to the social security legislation specified in article II applicable in Senegal, and they and their dependants resident in Senegal shall enjoy the benefits thereof on the same conditions as Senegalese nationals.

2. Senegalese nationals engaged in France in paid employment or in an activity treated as such shall be subject to the social security legislation specified in article II applicable in France, and they and their dependants resident in France shall enjoy the benefits thereof on the same conditions as French nationals.

3. The provisions of paragraphs 1 and 2 shall be without prejudice to the rules laid down by the legislation specified in article II with respect to the participation of aliens in the constitution or reconstitution of the bodies required for the functioning of the social security institutions of each Contracting Party.

*Article II.* Material scope

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

A. in France:

- (a) the legislation relating to the organization of social security;
- (b) the legislation relating to social insurance applicable:
  - to persons employed in non-agricultural occupations; and
  - to persons employed in agricultural occupations and persons treated as such,

<sup>1</sup> Came into force on 1 September 1976, i.e., the first day of the second month following the date of exchange of the instruments of approval, which took place at Paris on 16 July 1976, in accordance with article XLVI.

with the exception of provisions which extend the option of joining a voluntary old-age insurance scheme to French nationals engaged in paid employment or other work outside French territory;

- (c) the legislation relating to the prevention of, and compensation for, industrial accidents and occupational diseases;
- (d) the legislation relating to family allowances (with the exception of the maternity grant);
- (e) the legislation relating to special social security schemes, in so far as they concern the risks or benefits covered by the legislation specified in the foregoing sub-paragraphs, and in particular the social security scheme for the mining industry.

B. in Senegal:

- (a) the legislation relating to family allowances;
- (b) the legislation relating to industrial accidents and occupational diseases;
- (c) the legislation relating to old-age and survivors' pensions.

2. This Convention shall also apply to any laws or regulations by which the legislation specified in paragraph 1 of this article has been amended or supplemented or may hereafter be amended, codified or supplemented.

However, it shall apply:

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

3. The conditions on which the benefits of the social security scheme for students provided for under the legislation of one of the Parties may be enjoyed by nationals of the other Party shall be the subject of a protocol to be annexed to this Convention.

4. The schemes for seamen of the two Parties shall be the subject of a special agreement.<sup>1</sup>

### *Article III. Territorial scope*

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

- in the case of France: the European departments and overseas departments (Guadeloupe, Guiana, Martinique, Réunion) of the French Republic;
- in the case of Senegal: the territory of the Republic of Senegal.

### *Article IV. Personal scope*

1. This Convention shall cover nationals of either Contracting Party engaged or having been engaged as permanent or seasonal workers, in paid employment or in an activity treated as such, and their dependants.

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

<sup>1</sup> See "Supplementary Agreement concerning the social security scheme for seamen, signed at Paris on 29 March 1974," p. 209 of the present volume.

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

- (a) workers other than those engaged in paid employment or in an activity treated as such;
- (b) civil servants, military personnel and persons treated as such;
- (c) agents of diplomatic missions and consular posts.

*Article V. Applicable legislation*

1. Nationals of one of the Contracting Parties engaged in paid employment or in an activity treated as such in the territory of the other Contracting Party shall be compulsorily subject to the social security scheme of the last-mentioned Party.

2. Notwithstanding the provisions of paragraph 1 of this article:

- (a) the following shall not be subject to the social security scheme of the country of the place of employment, and shall remain subject to the social security scheme of the country of origin:
  - employed persons sent by their employer to the other country for the purpose of carrying out a specific assignment, provided that the duration of the assignment does not exceed three years, including periods of leave;
  - subject to prior joint agreement by the competent administrative authorities of the two countries or the authorities they have designated for that purpose, employed persons sent by their employer to the other country for the purpose of carrying out a specific assignment the duration of which, whether or not it was originally so intended, extends beyond three years;
- (b) employed persons, other than those referred to in article IV (paragraph 3 (b)), in the service of an administrative department of one of the Contracting States who are assigned to the territory of the other State shall continue to be subject to the social security scheme of the State which assigned them;
- (c) employed persons who are members of the staff of diplomatic or consular posts, other than those referred to in article IV (paragraph 3 (c)), or who are in the personal employ of agents of such posts, may opt to be subject to the legislation of the State represented, provided that they are nationals of that State;
- (d) personnel, other than civil servants, placed at the disposal of one of the Contracting Parties by the other Party on the basis of a service contract drawn up under agreements for assistance in the form of personnel concluded between France and Senegal shall be subject to the legislation of the last-mentioned Contracting Party;
- (e) employees of public or private air transport enterprises of one of the Contracting States who are employed in the territory of the other State, either temporarily or as travelling personnel, shall be subject to the social security scheme in force in the territory of the State in which the enterprise has its head office.

3. The competent administrative authorities of the Contracting Parties may by agreement, and in the interest of workers of either country, provide for other exceptions to the provisions of paragraph 1 of this article. Conversely, they may agree that the exceptions provided for in paragraph 2 shall not apply in particular cases.

*Article VI. Voluntary insurance*

1. French nationals resident in Senegal may opt to join the voluntary insurance scheme provided for under Senegalese legislation and to enjoy the benefits thereof on the same conditions as nationals of the country in which they are residents, account being taken of any insurance periods or equivalent periods completed under the French scheme.

2. Senegalese nationals resident in France may opt to join the voluntary insurance scheme provided for under French legislation and to enjoy the benefits thereof on the same conditions as French nationals, account being taken of any insurance periods or equivalent periods completed under the Senegalese scheme.

3. The provisions of article V (paragraph 1) shall not prevent French workers who are subject to the Senegalese social security scheme and Senegalese workers who are subject to the French social security scheme from contributing or continuing to contribute to the voluntary insurance scheme provided for under the legislation of the country of which they are nationals.

## PART II

### SPECIAL PROVISIONS RELATING TO THE VARIOUS CLASSES OF BENEFITS

#### CHAPTER I. INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

##### *Article VII.* Waiver of residence clauses

1. Any provisions contained in the legislation of one of the Contracting Parties relating to industrial accidents and occupational diseases which limit the rights of aliens or disqualify them by reason of their place of residence shall not apply to nationals of the other Party.

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

##### *Article VIII.* Transfer of residence

1. A French worker who has sustained an industrial accident or contracted an occupational disease in Senegal or a Senegalese worker 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. The worker shall, before transferring his residence, obtain the authorization of the insuring institution. Such authorization shall be given up to the anticipated date of recovery or healing of the injury.

3. If, on the expiry of the period thus determined, the state of health of the person concerned so requires, he may obtain an extension of the period up to the date of recovery or effective healing of the injury. The decision shall be taken by the insuring institution in the light of the findings of the medical examination carried out by the institution of the new place of residence of the person concerned.

##### *Article IX.* Recurrence

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

*Article X.* Provision of temporary incapacity benefits

1. Benefits in kind (treatment) under articles VIII and IX shall be provided by the institution of the new country of residence of the person concerned, in accordance with the provisions of the legislation applied by that institution as regards the extent of such benefits and the manner of providing them.

2. Cash benefits under articles VIII and IX shall be provided by the institution with which the person concerned is insured, in accordance with the legislation applied by that institution.

*Article XI.* Cost of providing temporary incapacity benefits

1. The cost of the benefits referred to under articles VIII and IX shall be borne by the institution with which the person concerned is insured.

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

*Article XII.* Major benefits in kind

In the cases specified in articles VIII and IX, the provision of prostheses, large appliances and other major benefits in kind, a list of which shall be annexed to the administrative agreement, shall be subject, except in case of urgency, to prior authorization by the insuring institution.

*Article XIII.* Successive accidents

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

*Article XIV.* Annuities for surviving spouses

In the event of death following an industrial accident, if the deceased, in accordance with his civil status, had more than one wife, the annuity payable to a surviving spouse shall be apportioned equally and finally between the wives.

*Article XV.* Occupational diseases

1. Where a person suffering from an occupational disease has been engaged in the territory of both Parties in an occupation capable of producing that disease, the benefits which he or his survivors may claim shall be granted exclusively under the legislation of the Party in whose territory he was last engaged in the occupation in question, provided that he satisfies the conditions laid down in that legislation.

2. Where the legislation of one of the Parties makes it a condition for the award of occupational disease benefits that the disease shall have been diagnosed for the first time in its territory, that condition shall be deemed to be 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) where the legislation of one of the Parties makes it a condition for the award of occupational disease benefits that an activity capable of producing the disease in question shall have been carried on for a certain length of time, the competent institution of that Party shall take into account, to the extent necessary, periods

during which such an activity has been carried on in the territory of the other Party;

- (b) the cost of annuities shall be apportioned between the competent institutions of the two Parties in the manner specified by administrative agreement.

*Article XVI. Worsening of an occupational disease*

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 the territory of his new country of residence in an occupation capable of producing the occupational disease in question:
- the institution of the first-mentioned Party shall continue to be liable for the benefit payable 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 additional benefits associated with the worsening of the disease. The amount of the additional benefits shall be determined in accordance with the legislation of that Party as if the disease had been contracted in its own territory; it shall be equal to the difference between the amount of the benefit which would have been payable after the worsening of the disease and the amount of the benefit which would have been payable before the worsening occurred.

CHAPTER II. FAMILY ALLOWANCES

*Article XVII. Aggregation of periods of employment*

If a worker has not completed the entire period of employment required under the legislation of the new country of employment in order to create an entitlement to family allowances, the period of employment or period treated as such completed in the other country shall be utilized to make up the said period.

*Article XVIII. Entitlement to family allowances from the country of residence of the children*

1. Employed persons working in France or in Senegal may claim for their children resident in the territory of the other country the family allowances provided for under the legislation of the country of residence of the children if they fulfil the occupational requirements laid down in the legislation of the country of employment relating to family allowances.

2. The family allowances referred to in paragraph 1 shall be payable on the basis of periods of employment or periods treated as such, as defined in the legislation of the country of employment relating to family allowances.

*Article XIX. Eligible children*

Children eligible for the family allowances referred to in article XVIII shall be the worker's dependent children within the meaning of the legislation of their country of residence.

*Article XX.* Payment of family allowances

Family allowances shall be paid directly to the person in charge of the children in the territory of the other country by the institution of the country of residence of the children, in the manner and at the rates provided for under the legislation applicable in that country.

*Article XXI.* Participation of the country of employment

1. The competent institution of the country of employment of the worker shall pay directly to the central institution of the country of residence of the children a lump-sum contribution computed on the basis of one to four children.

2. The amount of the contribution for each child shall be indicated in a scale to be drawn up by agreement between the competent administrative authorities of the two countries and annexed to the administrative agreement.

3. The scale may be revised in the light of changes in the basis for computing the amount of family allowances occurring in both countries during the same year. Such revision may take place only once a year.

4. The manner of payment of the contribution provided for in this article shall be determined by administrative agreement.

*Article XXII.* Workers on assignment

1. The workers referred to in article V (paragraph 2 (a)) shall be entitled, in respect of their children accompanying them to the other country, to the family allowances provided for under the legislation of the country of origin, as specified in the administrative agreement.

2. The family allowances shall be paid directly by the competent family allowance institution of the country of origin of the persons concerned.

CHAPTER III. OLD-AGE INSURANCE AND LIFE INSURANCE  
(SURVIVORS' PENSIONS)

*Article XXIII.* Waiver of residence clauses

If the legislation of one of the Contracting Parties makes the award of old-age benefits and death benefits (survivors' pensions), or the performance in its territory of certain formalities in order to obtain such benefits, subject to conditions of residence in that territory, those conditions shall not apply to Senegalese or French nationals so long as they are residing in the territory of either Contracting Party.

*Article XXIV.* Right of option

1. A French or Senegalese employed person who has during his working life been subject, successively or alternately, in the territory of the two Contracting Parties to one or more old-age insurance schemes of each of those Parties may, when he becomes entitled to benefits, opt to have the legislation of each of the Contracting Parties applied jointly or separately:

- (a) if he opts to have the legislation of the two countries applied separately, the benefits which he 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 if he had been subject to the legislation of one country only;
- (b) if, on the other hand, he opts to have the legislation of the two countries applied jointly, the benefits which he may claim under the legislation of both countries

shall be paid in accordance with the rules laid down in the following articles of this chapter.

2. If death, creating an entitlement to the award of a survivor's pension, occurs before the worker has begun to receive his entitlements in respect of old-age insurance, his dependants may exercise the option referred to in paragraph 1 of this article.

*Article XXV. Aggregation of insurance periods (general rules)*

1. Insurance periods completed under the legislation of each of the Contracting Parties and periods recognized as equivalent to insurance periods 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. The periods recognized as equivalent to insurance periods shall, in each country, be those which are recognized as such under the legislation of that country.

3. 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 country, only the insurance period shall be taken into account by the institution of the last-mentioned country.

4. If a given period is recognized as equivalent to an insurance period under French and Senegalese legislation, that period shall be taken into account by the institution of the country in which the person concerned was last compulsorily insured before the period in question.

*Article XXVI. Aggregation of insurance periods (special schemes)*

1. Where the legislation of one of the Contracting Parties makes it a condition for the award of certain old-age benefits that the insurance periods shall have been completed in an occupation which is subject to a special insurance scheme, only periods completed in the other country in the same occupation shall be taken into account for the purpose of qualification for such benefits.

2. If, despite the aggregation of such periods, the person concerned does not satisfy the conditions for receipt of benefits under the French special scheme, the periods in question shall be taken into account for the purpose of qualification for benefits under the general scheme.

*Article XXVII. Payment of benefits*

1. Taking into account the aggregation of periods as specified in the preceding article, the competent institution of each country shall determine, in accordance with its own legislation, whether the person concerned meets the requirements for entitlement to the old-age insurance benefits provided for under that legislation.

2. Where such entitlement exists, the competent institution of each country shall determine *pro forma* the benefit to which the insured would be entitled if all the insurance periods or periods recognized as equivalent had been completed exclusively under its own legislation.

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

*Article XXVIII.* Minimum duration of insurance periods

1. If the insurance periods completed under the legislation of either Party amount to less than 12 months, no benefit shall be payable under the legislation of that Party.

2. The aforementioned insurance periods shall, however, be taken into account for the purpose of the acquisition of entitlement to benefits by aggregation under the legislation of the other Party, within the terms of the above article, unless this would result in a reduction of the benefit payable under the legislation of that Party.

*Article XXIX.* Calculation of benefits

If, under the legislation of one of the Contracting Parties, the benefits paid are based on the average wage for all or part of the insurance period, the average wage to be taken into account in calculating the benefits payable by the institutions of that Party shall be determined on the basis of the wages recorded during the insurance period completed under the legislation of that Party.

*Article XXX.* Successive application of legislation

1. If the insured does not simultaneously meet the requirements imposed by the two bodies of legislation applicable to him but satisfies the requirements of only one of them, 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 met.

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

3. When the requirements imposed by the other body of legislation have been met, the benefits payable to the insured under the terms of articles XXV, XXVI and XXVII shall be revised if he has opted to have the legislation of each of the Contracting Parties applied jointly, provided that the earliest payments did not involve a refund of contributions.

*Article XXXI.* Survivors' benefits

1. The provisions of this chapter shall apply *mutatis mutandis* to the rights of surviving spouses and children.

2. If the insured, in accordance with his civil status, had more than one wife, the benefit payable to a surviving spouse shall be apportioned equally and finally between the wives.

*Article XXXII.* Periods of insurance with IPRAO

Insurance periods and equivalent periods completed in Senegal and taken into account by the Institution de prévoyance et de retraites de l'Afrique occidentale (IPRAO) shall be taken into account for the purposes of this chapter.

## P A R T I I I

## MISCELLANEOUS PROVISIONS

## CHAPTER I. MEASURES FOR THE IMPLEMENTATION OF THE CONVENTION

*Article XXXIII.* Definition of the competent administrative authorities

In the territory of each Contracting Party, the ministers responsible in their re-

spective fields for the implementation of the legislation specified in article II shall be deemed to be the competent administrative authorities for the purposes of this Convention.

*Article XXXIV.* General administrative agreement

1. A general administrative agreement, drawn up by the competent administrative authorities of the two countries, shall determine, to the extent necessary, the manner of implementation of this Convention, and in particular of those articles which refer expressly to the said agreement.

2. In particular, the general administrative agreement shall:

- (a) designate the liaison agencies of the two countries;
- (b) regulate such arrangements for medical and administrative supervision and expert services as are required for the implementation both of this Convention and of the social security legislation of the two countries;
- (c) determine the financial arrangements for the implementation of this Convention.

3. 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 XXXV.* Information and mutual administrative assistance

1. The competent administrative authorities of the two countries shall:

- (a) adopt, in addition to the general administrative agreement referred to in article XXXIV, all administrative agreements supplementing or amending it;
- (b) communicate directly to each other full information regarding measures taken in their respective countries for the implementation of this Convention and of the agreements thereunder;
- (c) report to each other any difficulties which may arise, at the technical level, from the implementation of the provisions of this Convention or of the agreements thereunder;
- (d) communicate directly to each other full information regarding amendments to the laws and regulations referred to in article II, in so far as they might affect the implementation of this Convention or of the agreements adopted for its implementation.

2. The competent administrative authorities and social security institutions of the two Contracting Parties shall assist each other in the implementation both of this Convention and of the social security legislation of the other Party as if the matter were one affecting the implementation of their own social security legislation.

CHAPTER II. PROVISIONS DEROGATING FROM DOMESTIC LEGISLATION

*Article XXXVI.* Exemption from fees and waiver of legalization

1. Any exemption from registration fees, court fees, stamp duties and consular fees provided for under the legislation of one of the Contracting Parties in respect of documents required to be produced to the social security authorities or institutions of that Party shall be extended to similar documents required to be produced for the purpose 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 certificates, documents and papers required to be produced for the purposes of this Convention.

*Article XXXVII. Formalities*

Any formalities prescribed by the laws or regulations of one of the Contracting Parties for the provision of benefits payable to its nationals in the territory of the other Party shall also apply, on the same conditions, to nationals of the other Party qualifying for such benefits under this Convention.

*Article XXXVIII. Appeals*

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

*Article XXXIX. Recovery of contributions*

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 all procedures and subject to the guarantees and privileges applicable to the recovery of unpaid contributions and penalties due to the institution of the first-mentioned Party.

*Article XL. Third-party liability*

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 XLI. Workers on assignment*

1. French workers in the situation referred to in article V (2) (a) of this Convention, and members of their families accompanying them to Senegal, shall be entitled to sickness and maternity insurance benefits under the French social security scheme throughout their stay in Senegal.

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

CHAPTER III. TRANSFERS

*Article XLII. Freedom to transfer social security funds*

The two Governments undertake, in accordance with article IV of the Treaty establishing the West African Monetary Union, to present no obstacle to the transfer of funds corresponding to all payments made in connection with social security or social welfare transactions, pursuant either to this Convention or to the domestic legislation of each of the Parties relating both to persons engaged in paid employment

and persons treated as such and to persons engaged in other work, including payments under voluntary insurance and supplementary retirement schemes.

*Article XLIII.* Currency and exchange rates

1. The institutions liable, under this Convention or under their own legislation, for the payment of benefits shall be deemed to discharge their liability validly by payment in the currency of their country.

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

*Article XLIV.* Centralization of benefits

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, with a view to their transfer to the other country, all or some of the benefits provided for under this Convention. In that case, the transfer of such benefits shall be effected through the banks of issue of the two Parties.

CHAPTER IV. SETTLEMENT OF DISPUTES

*Article XLV*

1. Any disputes concerning the interpretation of the provisions of this Convention shall be settled by the Franco-Senegalese Ministerial Committee provided for under article VI of the Treaty of friendship and co-operation<sup>1</sup> between the French Republic and the Republic of Senegal.

2. In that event, the competent administrative authorities referred to in article XXXIII of this Convention must be represented in the Committee.

P A R T I V

FINAL PROVISIONS

*Article XLVI*

This Convention shall abrogate and supersede the General Convention on social security between the Government of the French Republic and the Government of the Republic of Senegal of 5 March 1965, the four protocols signed on the same date and Supplementary Agreement No. 2 concerning old-age insurance, and the Co-ordination Convention signed on 24 May 1966. Beneficiaries under the aforementioned instruments shall suffer no injury as a result of their abrogation and shall be entitled *de plano* to the benefits provided for under the present Convention.

This Convention is concluded for a period of two years, to be renewed by tacit agreement unless the Convention is denounced by one of the Contracting Parties.

Notice of denunciation shall be given through the diplomatic channel at least six months in advance.

This Convention shall enter into force on the first day of the second month following the exchange of instruments of approval, which shall take place at Paris as soon as possible.

<sup>1</sup> United Nations, *Treaty Series*, vol. 1061, No. I-16151.

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

DONE at Paris on 29 March 1974, in duplicate in the French language.

For the Government  
of the French Republic:

*[Signed]*

JEAN DE LIPKOWSKI  
Secretary of State  
to the Minister for Foreign Affairs

For the Government  
of the Republic of Senegal:

*[Signed]*

ASSANE SECK  
Minister for Foreign Affairs

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[TRANSLATION — TRADUCTION]

PROTOCOL No. 1<sup>1</sup> CONCERNING THE RETENTION OF CERTAIN  
SICKNESS INSURANCE BENEFITS BY INSURED FRENCH OR  
SENEGALESE NATIONALS WHO MOVE TO SENEGAL

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

Have decided to adopt, until such time as a sickness insurance scheme is instituted by law in Senegal, the following provisions concerning French or Senegalese nationals covered by the French sickness insurance scheme who move to Senegal in certain circumstances:

*Article I.* A French or Senegalese employed person working in France who has acquired an entitlement to cash benefits shall retain such entitlement for a period not exceeding six months if he transfers his residence to the territory of Senegal, 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 II.* During the six-month period referred to in article I, 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 Senegal by a worker authorized to transfer his residence in pursuance of article I above.

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

*Article III.* 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 a 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 Senegal, subject to a deduction representing the proportion of the cost to be borne by the injured 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 Senegal on behalf of the insuring institution;
- (e) the institutions responsible for the provision of benefits in Senegal and, where necessary, the French and Senegalese liaison agencies;
- (f) the procedures for inter-institutional financial settlements.

*Article IV.* If sickness insurance legislation is enacted in Senegal, the provisions of this Protocol shall cease to have effect; a new agreement on sickness insurance shall be concluded between the two Parties.

<sup>1</sup> Came into force on 1 September 1976, i.e., the first day of the second month following the date of exchange of the instruments of approval, which took place at Paris on 16 July 1976, in accordance with article VI.

*Article V.* All the arrangements covered by this Protocol shall apply to Senegalese or French seamen but not to members of their families.

*Article VI.* This Protocol is concluded for a period of two years, to be renewed by tacit agreement unless the Protocol is denounced by one of the Contracting Parties.

Notice of denunciation shall be given through the diplomatic channel at least six months in advance.

This Protocol shall enter into force on the first day of the second month following the exchange of instruments of approval.

In case 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 29 March 1974, in duplicate in the French language.

For the Government  
of the French Republic:

[Signed]

JEAN DE LIPKOWSKI  
Secretary of State  
to the Minister for Foreign Affairs

For the Government  
of the Republic of Senegal :

[Signed]

ASSANE SECK  
Minister for Foreign Affairs

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## [TRANSLATION — TRADUCTION]

PROTOCOL No. 2<sup>1</sup> CONCERNING THE SOCIAL INSURANCE  
SCHEME FOR STUDENTS

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

Considering that the Convention of establishment<sup>2</sup> in force between France and Senegal provides for equal treatment of nationals of the two States Parties under the laws concerning social security, and desiring to promote to the maximum cultural exchanges between the two countries;

Have decided to adopt the following measures:

*Article I.* The French social security scheme for students instituted in the Social Security Code, book VI (part 1), shall apply, on the same conditions as for French students, to Senegalese students studying in France who are not covered by French social insurance and are not dependants of persons having such coverage.

*Article II.* The two Governments undertake to ensure equal treatment with respect to social security for Senegalese and French students in the territory of each of the two States.

*Article III.* This Protocol is concluded for a period of two years, to be renewed by tacit agreement unless the Protocol is denounced by one of the Contracting Parties.

Notice of denunciation shall be given through the diplomatic channel at least six months in advance.

This Protocol shall enter into force on the first day of the second month following the exchange of instruments of approval.

In case 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 29 March 1974, in duplicate in the French language.

For the Government  
of the French Republic:

[Signed]

JEAN DE LIPKOWSKI  
Secretary of State  
to the Minister for Foreign Affairs

For the Government  
of the Republic of Senegal:

[Signed]

ASSANE SECK  
Minister for Foreign Affairs

<sup>1</sup> Came into force on 1 September 1976, i.e., the first day of the second month following the date of exchange of the instruments of approval, which took place at Paris on 16 July 1976, in accordance with article III.

<sup>2</sup> See p. 19 of this volume.

[TRANSLATION — TRADUCTION]

PROTOCOL No. 3<sup>1</sup> CONCERNING THE GRANTING TO  
SENEGALÉSE NATIONALS OF THE ALLOWANCE FOR ELDERLY  
EMPLOYED PERSONS UNDER FRENCH LEGISLATION

For the Government of the French Republic and the Government of the Republic of Senegal,

Considering that the allowance for elderly employed persons under French social security legislation is, on account of its non-contributory character, reserved for French nationals;

Considering that the Convention of establishment in force between Senegal and France stipulates that nationals of each Party shall enjoy in the territory of the other Party equal treatment with its nationals with respect to social security, and that the conditions for securing equal treatment in that field shall be determined by agreement;

Agree to apply the following provisions:

*Article I.* The allowance for elderly employed persons shall be granted to Senegalese elderly employed persons resident in France on the same conditions as for French elderly employed persons.

*Article II.* Payment of the allowance shall be discontinued if the persons concerned transfer their residence outside French territory.

*Article III.* This Protocol is concluded for a period of two years, to be renewed by tacit agreement unless the Protocol is denounced by one of the Contracting Parties.

Notice of denunciation shall be given through the diplomatic channel at least six months in advance.

This Protocol shall enter into force on the first day of the second month following the exchange of instruments of approval.

In case 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 29 March 1974, in duplicate in the French language.

For the Government  
of the French Republic:

[Signed]

JEAN DE LIPKOWSKI  
Secretary of State

to the Minister for Foreign Affairs

For the Government  
of the Republic of Senegal:

[Signed]

ASSANE SECK  
Minister for Foreign Affairs

<sup>1</sup> Came into force on 1 September 1976, i.e., the first day of the second month following the date of exchange of the instruments of approval, which took place at Paris on 16 July 1976, in accordance with Article III.

[TRANSLATION — TRADUCTION]

PROTOCOL No. 4<sup>1</sup> CONCERNING THE GRANTING OF NON-CONTRIBUTORY OLD-AGE BENEFITS UNDER FRENCH LEGISLATION TO SENEGALESE NATIONALS RESIDENT IN FRANCE

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

Considering that French social security legislation provides for a number of old-age benefits which are, on account of their non-contributory character, reserved for French nationals;

Considering that the Convention of establishment in force between Senegal and France stipulated that nationals of each Party shall enjoy in the territory of the other Party equal treatment with its nationals with respect to social security, and that the conditions for securing equal treatment in that field shall be determined by agreement;

Agree to apply the following provisions:

*Article I.* Senegalese nationals resident in France who have been engaged in France in work, other than paid employment, which is covered by the old-age allowance scheme provided for in the Social Security Code, book VIII, part 1, and who have not contributed to that scheme shall be entitled to the non-contributory old-age allowance for workers not engaged in paid employment on the same conditions as French nationals.

*Article II.* Senegalese nationals in France shall be entitled to the special allowance provided for in the Social Security Code, book VIII, part II, on the same conditions, including conditions as to means, as French nationals.

*Article III.* Payment of allowances awarded on the conditions specified in articles I and II above shall be discontinued if the persons concerned transfer their residence outside French territory.

*Article IV.* This Protocol is concluded for a period of two years, to be renewed by tacit agreement unless the Protocol is denounced by one of the Contracting Parties.

Notice of denunciation shall be given through the diplomatic channel at least six months in advance.

This Protocol shall enter into force on the first day of the second month following the exchange of instruments of approval.

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<sup>1</sup> Came into force on 1 September 1976, i.e., the first day of the second month following the date of exchange of the instruments of approval, which took place at Paris on 16 July 1976, in accordance with article IV.

In case 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 29 March 1974, in duplicate in the French language.

For the Government  
of the French Republic:

[Signed]

JEAN DE LIPKOWSKI

Secretary of State

to the Minister for Foreign Affairs

For the Government  
of the Republic of Senegal:

[Signed]

ASSANE SECK

Minister for Foreign Affairs

## [TRANSLATION — TRADUCTION]

PROTOCOL No. 5<sup>1</sup> CONCERNING THE SUPPLEMENTARY ALLOWANCE UNDER THE FRENCH ACT OF 30 JUNE 1956 INSTITUTING A NATIONAL SOLIDARITY FUND

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

Considering that the supplementary allowance introduced in France under the amended Act of 30 June 1956 instituting a national solidarity fund is a non-contributory benefit reserved for elderly persons of French nationality without adequate means and that the allowance is granted in accordance with special procedures;

Considering that the Convention of establishment in force between France and Senegal stipulates that nationals of each Party shall enjoy in the territory of the other Party equal treatment with its nationals with respect to social security, and that the conditions for securing equal treatment in that field shall be determined by agreement;

Agree to apply the following provisions:

*Article I.* Senegalese nationals who are in receipt of an old-age or invalidity benefit under the French scheme pursuant to the legislation referred to in article II (1) of the General Convention on social security<sup>2</sup> and in article II (1) (1) of the Supplementary Agreement concerning social security for seamen, of an old-age benefit provided under a contributory scheme for workers not engaged in paid employment, or of one of the non-contributory old-age benefits referred to in Protocols Nos. 3 and 4 shall be entitled to a supplementary allowance on the same conditions, including conditions as to means, as French nationals.

*Article II.* Payment of supplementary allowances awarded on the conditions specified in article I above shall be discontinued if the beneficiaries transfer their residence outside French territory.

*Article III.* With a view to the implementation of the means clauses of French legislation, the competent Senegalese services shall assist the French institutions and services liable for payment of the supplementary allowance in:

- (a) tracing any means which claimants may have in Senegal, particularly life annuities under the Senegalese social security scheme, and carrying out any investigations or inquiries to that end in the manner provided for by Senegalese social security legislation;
- (b) appraising property owned by claimants in Senegal;
- (c) making representations to any persons resident in Senegal who may have maintenance obligations towards the claimants concerned.

Requests for assistance by the French institutions and services liable for payment shall be addressed to an agency designated by the Senegalese Government.

<sup>1</sup> Came into force on 1 September 1976, i.e., the first day of the second month following the date of exchange of the instruments of approval, which took place at Paris on 16 July 1976, in accordance with article IV.

<sup>2</sup> See p. 187 of this volume.

*Article IV.* This Protocol is concluded for a period of two years, to be renewed by tacit agreement unless the Protocol is denounced by one of the Contracting Parties.

Notice of denunciation shall be given through the diplomatic channel at least six months in advance.

This Protocol shall enter into force on the first day of the second month following the exchange of instruments of approval.

In the case 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 29 March 1974, in duplicate in the French language.

For the Government  
of the French Republic:

*[Signed]*

JEAN DE LIPKOWSKI  
Secretary of State  
to the Minister for Foreign Affairs

For the Government  
of the Republic of Senegal:

*[Signed]*

ASSANE SECK  
Minister for Foreign Affairs

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