

No. 17094

**FRANCE
and
BELGIUM**

**Agreement concluded in application of article 92 of EEC
Regulation No. 1408/71 of 14 June 1971 concerning the
social security of migrant workers (with annex). Signed
at Paris on 3 October 1977**

Authentic text: French.

Registered by France on 21 September 1978.

**FRANCE
et
BELGIQUE**

**Accord conclu en application de l'article 92 du Règlement
CEE n° 1408/71 du 14 juin 1971 relatif à la sécurité
sociale des travailleurs migrants. Signé à Paris le 3 octo-
bre 1977**

Texte authentique : français.

Enregistré par la France le 21 septembre 1978.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE FRENCH REPUBLIC AND THE KINGDOM OF BELGIUM CONCLUDED IN APPLICATION OF ARTICLE 92 OF EEC REGULATION No. 1408/71 OF 14 JUNE 1971, CONCERNING THE SOCIAL SECURITY OF MIGRANT WORKERS

The Government of the French Republic and the Government of the Kingdom of Belgium,

Desiring to enable competent institutions in the territory of the other Contracting Party to recover social security contributions,

Being anxious to establish the modalities for applying article 92 of EEC Regulation No. 1408/71 of the Council of 14 June 1971 concerning the social security of migrant workers,

Have agreed as follows:

Article 1. This Agreement shall regulate the recovery of all contributions which, within the framework of the social security schemes in article 4 of EEC Regulation No. 1408/71, are payable to a social security institution of one of the two Contracting Parties by debtors who are in the territory of the other Contracting Party or who possess property there.

Article 2. For purposes of applying this Agreement, “contributions” shall mean, in addition to contributions, interest, costs, additional charges, and fines of a non-penal nature, in so far as they relate to the collection or recovery of contributions.

Article 3. 1. Contributions fixed by the institution to which they are payable or by a legal or administrative authority of one Contracting Party as a result of a decision which is no longer subject to appeal shall be recoverable in the territory of the other Contracting Party.

2. The debt to be collected or recovered shall be protected by the same guarantees and privileges as a debt of the same nature owed to an institution in the territory of the Contracting Party in which collection or recovery takes place.

Article 4. 1. Institutions of the Contracting Parties shall lend each other mutual assistance to ensure the recovery of the debts referred to in article 3 of this Agreement.

2. Assistance shall include the communication of any useful information on the debtor’s situation, amicable recovery, enforced payment and precautionary measures.

3. The list of institutions to which application should be made for assistance shall be annexed to this Agreement.

¹ Came into force on 1 May 1978, i.e., the first day of the second month following the exchange of notifications (effected on 16 February 1978 and 15 March 1978) by which each of the Contracting Parties informed each other of the completion of the required domestic procedures, in accordance with article 12.

Article 5. 1. Following a request addressed to it by a simple letter from the institution to which payment is due, the institution to which application is made shall give the assistance referred to in article 4.

The request shall comprise:

- (1) Any information enabling the debtor to be identified;
- (2) If possible, his residence, domicile or location in the country to which application is made;
- (3) The amount of the debt;
- (4) When appropriate, the property which may be used as security.

Documents supporting the request must be annexed to it.

If the residence of the debtor is not known, the institution to which application is made shall lend its assistance as far as possible in efforts to locate that residence.

The institution to which application is made shall provide the institution to which payment is due with any information at its disposal on the solvency of the debtor, and the latter institution shall determine, after considering the information provided on the subject, whether or not there is a case for continuing the efforts to recover the debt, with a view to avoiding a fruitless search.

2. The institution to which payment is due shall communicate to the institution to which application is made, at the same time as the application, a copy of the administrative or judicial decision establishing the amount of contributions payable.

The organ which is competent in conformity with the legislation applicable in the territory where the decision has been taken shall be required to certify that it is a true copy and to note on it that the debt is recoverable.

3. The decision referred to in paragraph 2 shall be enforceable in the territory of the Contracting Party where the institution to which application is made has its main office by the organ competent to recover contributions owed to the extent that the legislation of that Contracting Party requires:

—In France, by the Chairman of the Commission of First Instance for Disputed Social Security Claims in whose jurisdiction the domicile of the debtor or the main office of the institution to which application is made is situated;

—In Belgium, by the Chairman of the Labour Tribunal in whose jurisdiction the domicile of the debtor is situated or by the Director-General of the National Social Security Office, in accordance with the provisions of Belgian law.

4. The institution to which application is made shall not be required to follow up the request for assistance if the institution to which payment is due has not exhausted in its own territory all means of recovery against the principal debtor.

5. If the institution to which application is made intends to refuse the request for assistance, in conformity with paragraph 4 above, it shall take the precautionary measures necessary for the recovery of the contributions.

6. If the decision establishing the amount of contributions is still subject to appeal, the institution to which application is made shall likewise be required

to take the precautionary measures in question necessary to guarantee recovery of the amount in question.

Article 6. 1. The institution to which application is made shall give the assistance referred to in article 4 for the recovery of contributions as if it were recovering the contributions owed to it.

2. The procedure and modalities for recovering contributions owed and the necessary precautionary measures shall be those laid down in the legislation of the Contracting Party in whose territory the institution to which application is made has its main office.

3. The institution to which application is made shall be required to transfer the contributions recovered to the institutions to which they are payable. The transfer shall be made through the banking or postal account indicated to the institution to which application is made by the institution to which payment is due, after deduction of the effective costs which may be incurred in the course of recovery.

Article 7. When recovery efforts have failed, the institution to which payment is due shall be required to reimburse the costs incurred by the institution to which application is made.

Article 8. This Agreement shall apply only if the capital sum of contributions payable is at least 10,000 Belgian francs, in the case of a debt by a Belgian institution, or 1,000 French francs, in the case of a debt by a French institution.

When there are several institutions to which payment is due, the sums owed are added together for the purpose of applying this provision.

Article 9. Legal instruments and other documents communicated to the institution to which application is made within the framework of this Agreement can only be used by administrative bodies responsible for recovering contributions and only for purposes of recovery.

Their contents may not be disclosed either to another administrative body or to third parties.

Article 10. Administrative and legal assistance between institutions shall in principle be free of charge; however, costs of recovery will be reimbursed.

The competent authorities may agree to reimburse other expenses or to renounce any reimbursement.

Article 11. The territories covered by the provisions of this Agreement are:
—In the case of France: the European and Overseas departments (Guadeloupe, Guiana, Martinique, Réunion and Saint-Pierre-et-Miquelon) of the French Republic;
—In the case of Belgium: the territory of Belgium.

Article 12. Each of the two Contracting Parties shall notify the other of the completion of its domestic procedures required for the entry into force of this Agreement.

The date of its entry into force shall be the first day of the second month following the date of the exchange of notifications.

Article 13. This Agreement is concluded for a period of one year dating from its entry into force.

It shall be automatically renewed from year to year unless denounced by one of the Contracting Parties, which shall give written notice three months before the expiry of its current term.

DONE at Paris, on 3 October 1977, in duplicate.

For the Government of the French Republic:

[Signed]

CLAUDE CHAYET

For the Government of the Kingdom of Belgium:

[Signed]

Prince WERNER DE MERODE

ANNEX

I. *Outstanding Belgian contributions to be recovered in France*

(a) *Belgian institutions to which contributions are payable*

- The National Social Security Office;
- The National Pension Fund for Miners;
- The Relief and Welfare Fund for Mariners Sailing under the Belgian Flag.

(b) *French institutions to which application for assistance is to be made*

- The Union for the Recovery of Social Security and Family Allowance Contributions.

II. *Outstanding French contributions to be recovered in Belgium*

(a) *French institutions to which contributions are payable*

- The Union for the Recovery of Social Security and Family Allowance Contributions;
- The General Social Security Funds of the Overseas Departments;
- The Agricultural Social Insurance Mutual Benefit Fund;
- The institutions of the special schemes referred to in annex 2 of EEC Regulation No. 574/72 of the Council of 21 March 1972.

(b) *Belgian institutions to which application for assistance is to be made*

- The National Social Security Office.