

No. 18748

**FRANCE
and
SWITZERLAND**

**Convention on unemployment insurance. Signed at Paris on
14 December 1978**

Authentic text: French.

Registered by France on 25 April 1980.

**FRANCE
et
SUISSE**

Convention d'assurance chômage. Signée à Paris le 14 décembre 1978

Texte authentique : français.

Enregistrée par la France le 25 avril 1980.

[TRANSLATION—TRADUCTION]

CONVENTION¹ ON UNEMPLOYMENT INSURANCE BETWEEN THE
FRENCH REPUBLIC AND THE SWISS CONFEDERATION

The Government of the French Republic and the Swiss Federal Council,

Desiring to regulate relations between the two States in the field of unemployment insurance and having resolved to conclude a convention for that purpose, have agreed on the following provisions:

PART I. GENERAL PROVISIONS

Article 1. For the purposes of this Convention:

1. "Switzerland" means the territory of the Swiss Confederation, "France" means the European departments of the French Republic;
2. "Nationals" means:
 - In relation to Switzerland, persons of Swiss nationality,
 - In relation to France, persons of French nationality;
3. "Legislation" and "legal provisions" mean the laws, ordinances and approved treaty provisions which are in force in one of the Contracting States and concern the matters referred to in article 2;
4. "Competent authority" means:
 - In relation to Switzerland, the Federal Office of Industry, Engineering and Labour,
 - In relation to France, the Minister responsible for implementing the legislation referred to in article 2 of this Convention;
5. "Frontier workers" means workers who are domiciled or have been authorized to establish residence in the frontier zone of one of the two Contracting States, return there each day, and are in regular gainful employment in the frontier zone of the other State.

Article 2. This Convention shall apply:

1. In Switzerland, to the provisions of federal law relating to unemployment compensation;
2. In France, to the legal and treaty provisions relating to unemployment compensation.

Article 3. This Convention shall apply to all frontier workers as defined in article 1, paragraph 5, and to nationals of the two Contracting States under the conditions laid down in article 7.

Article 4. The obligation to participate in and contribute to an insurance scheme shall be governed by the legislation of the Contracting State in the territory of which the person concerned is gainfully employed.

Article 5. The provisions of this Convention shall not affect the various social security schemes or branches.

¹ Came into force on 1 January 1980, i.e., the first day of the second month following the date of the last of the notifications (effected on 26 January and 22 November 1979) by which the Contracting Parties informed each other of the completion of the relevant constitutional procedures, in accordance with article 17.

PART II. SPECIAL PROVISIONS

Article 6. Entitlement to the benefits referred to in article 2 and the allocation procedure shall be governed by the legislation of the Contracting State in the territory of which the benefits are applied for.

Article 7. Whenever nationals of one Contracting State resume domicile in their country of origin, the insurance periods completed in the other Contracting State shall be taken into account for the purpose of deciding whether the qualifying period has been completed and determining the length of the period of compensation.

Article 8. (1) In case of total unemployment, frontier workers may claim unemployment-insurance benefits in accordance with the legislation of the State in which they have established residence. In the determination of the qualifying period and the length of the period of compensation, account shall be taken in the country of domicile of the insurance periods completed in the territory of the other Contracting State.

(2) In case of partial unemployment, benefits shall be paid to frontier workers in accordance with the legislation of the State in which they are working.

(3) Periods in respect of which benefits have been paid in the other Contracting State shall be deducted from the length of the period of compensation as if the benefits had been paid in the State in which the right is exercised.

Article 9. The Contracting Parties undertake to retrocede to each other a portion of the unemployment-insurance contributions levied on the wages of frontier workers. The amount of such financial compensation shall take account of the average annual number of frontier workers, the amount of remuneration received by such workers, the unemployment-insurance contribution rate and, where applicable, the benefits paid in respect of partial unemployment by the unemployment-insurance agencies.

PART III. MISCELLANEOUS PROVISIONS

Article 10. With a view to the implementation of this Convention, the authorities of the two States shall use their good offices as if they were applying their own legislation.

Article 11. (1) Exemption from stamp duty and taxation, under the unemployment-insurance and social-security regulations of either Contracting State, shall be extended, where applicable, to authorities and persons of the other Contracting State.

(2) Certificates and other documents of any kind which are required to be submitted under this Convention shall be exempt, where applicable, from authentication.

Article 12. A group of experts shall be established and may meet to consider problems arising in the application of this Convention.

Article 13. The competent authorities of the two States shall directly and jointly establish the administrative provisions necessary for the application of this Convention. They shall communicate to each other all information about measures taken to apply this Convention, and about changes and revisions in their legislation which may affect its application.

Article 14. The authorities and institutions of the two States responsible for the administration of unemployment insurance, whether at the national, cantonal or departmental level, may correspond directly with each other and with interested individuals or their representatives for the purposes of this Convention.

Article 15. (1) Financial compensation shall be paid to the competent unemployment-insurance agency. The methods of payment shall be arranged by agreement between the agencies administering unemployment insurance in the two States.

(2) The competent authority of each State shall indicate to the other, at the latter's request, the criteria for calculation and the amount of the retrocession.

PART IV. TRANSITIONAL AND FINAL PROVISIONS

Article 16. Financial retrocession within the meaning of article 9 shall become effective as from 1 April 1977. On the other hand, this agreement does not have retroactive effect in respect of benefits.

Article 17. The Government of each of the two Contracting States shall notify the other when its relevant constitutional procedures for the entry into force of this Convention have been completed. The Convention shall enter into force on the first day of the second month following the date of the later notification.

Article 18. (1) This Convention is concluded for a period of one year. It shall be renewed by tacit agreement from year to year, unless either of the Contracting States denounces it by giving at least three months' notice before the expiry of a current period of validity.

(2) Should the Convention be denounced, any rights acquired pursuant to its provisions shall be retained; they shall not, however, be retained beyond one year from the date on which the Convention ceased to have effect. Arrangements between the competent authorities of the two Contracting States shall govern the disposition of any rights in the process of being acquired.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Paris on 14 December 1978, in duplicate in the French language.

For the Government
of the French Republic:

[Signed]
ROBERT BOULIN

For the Swiss Federal Council:

[Signed]
JEAN-PIERRE BONNY