

**No. 21534**

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**FRANCE  
and  
SPAIN**

**Convention on unemployment insurance for frontier workers. Signed at Paris on 13 January 1982**

*Authentic texts: French and Spanish.*

*Registered by France on 18 January 1983.*

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**FRANCE  
et  
ESPAGNE**

**Convention d'assurance chômage des travailleurs frontaliers. Signée à Paris le 13 janvier 1982**

*Textes authentiques : français et espagnol.*

*Enregistrée par la France le 18 janvier 1983.*

## [TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> ON UNEMPLOYMENT INSURANCE FOR FRONTIER WORKERS BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF SPAIN

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

Desiring to regulate relations between the two States in the field of unemployment insurance for frontier workers, 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. “Nationals” means,

—In relation to France, persons of French nationality,

—In relation to Spain, persons of Spanish nationality;

2. “Legislation” and “legal provisions” mean the laws, ordinances, regulations and approved treaty provisions which are in force in one of the Contracting States and concern the matters referred to in article 3;

3. “Competent authority” means,

—In relation to France, the minister responsible for implementing the legislation referred to in article 3 of this Convention,

—In relation to Spain, the minister responsible for implementing the legislation referred to in article 3 of this Convention;

4. “Frontier workers” means any French or Spanish workers who are domiciled in the frontier zone of one of the two States, return there in principle each day or at least once a week, and are in regular gainful employment in the frontier zone of the other State.

However, frontier workers who are assigned by the enterprise in which they are normally employed to the territory of the other Contracting Party shall retain the status of frontier workers for a period not exceeding four months, even if, in the course of the assignment, they are unable to return each day or at least once a week to their place of residence.

*Article 2.* This Convention shall apply:

—In relation to France, to the European departments of the French Republic,

<sup>1</sup> Came into force on 1 June 1982, i.e., the first day of the second month following the date of the last of the notifications (effected on 18 February and 15 April 1982) by which the Parties informed each other of the completion of the required procedures, in accordance with article 17.

—In relation to Spain, to the territory of the Spanish State.

*Article 3.* This Convention shall apply:

1. In France, to the legal and treaty provisions relating to total or partial unemployment contributions and benefits;
2. In Spain, to the legislation and regulations relating to total or partial unemployment contributions and benefits.

*Article 4.* This Convention shall apply to all frontier workers as defined in article 1, paragraph 4.

*Article 5.* The obligation to participate in and contribute to an insurance scheme shall be governed by the legislation of the Contracting Party in the territory of which the person concerned is gainfully employed.

*Article 6.* The provisions of this Convention shall not affect the various social security schemes or branches.

## PART II

### SPECIAL PROVISIONS

*Article 7.* Entitlement to the benefits referred to in article 3 and the allocation procedure shall be governed by the legislation of the Contracting Party in the territory of which the benefits are applied for.

*Article 8.* 1. In case of total unemployment resulting from the breach of a contract of employment, frontier workers may claim unemployment insurance benefits in accordance with the legislation of the State in which they have established residence as if they had been subject to said legislation during their most recent employment. The benefits shall be paid by the competent institution in the place of 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 Party.

2. In case of partial or accidental unemployment, unemployment resulting from severe weather conditions, or total unemployment not resulting from the breach of a contract of employment, benefits shall be paid to frontier workers in accordance with the legislation of the State in which they are employed; said benefits shall be paid by the competent institutions in the country of employment. In the determination of the qualifying period and the length of the period of compensation, account shall be taken in the country of employment of the insurance periods or the periods of employment completed in the territory of the other Contracting Party.

*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 lum-sum 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 by the unemployment insurance agencies in respect of partial unemployment or of total unemployment where there has been no breach of a contract of employment.

### 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 Party, shall be extended, where applicable, to certificates and documents drawn up by the competent administrations of the other Contracting Party.

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 to consider problems arising from the implementation of this Convention. It shall meet at the request of either Contracting Party.

*Article 13.* An administrative agreement<sup>1</sup> drawn up by the competent authorities of the two States shall establish the administrative provisions necessary for the implementation of this Convention. The competent authorities shall communicate to each other all information about measures taken to implement this Convention, and about changes and revisions in their legislation which may affect its implementation.

*Article 14.* The authorities and institutions of the two States responsible for the administration of unemployment insurance 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 or the competent agencies of each State shall indicate to the other Party, 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 at 1 January of the year in which this Convention enters into force. On the other hand, this agreement does not have retroactive effect in respect of benefits.

*Article 17.* The Government of each of the two States shall notify the other when its relevant 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 on which the later notification is received.

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<sup>1</sup> United Nations, *Treaty Series*, vol. 1322, No. A-21534.

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

2. This Convention shall cease to be applicable on the date of the actual entry into force of the relevant provisions of the treaty of accession of Spain to the European Economic Community, without any need to follow the procedure for denunciation set forth in paragraph 1 of this article.

3. Should the Convention be denounced, any rights acquired by frontier workers pursuant to its provisions shall be retained until they are exhausted.

Arrangements between the competent authorities of the two States shall govern the disposition of any rights in the process of being acquired.

4. The entry into force of the Convention shall terminate the exchange of letters of 19 February 1973 constituting an Agreement between France and Spain.<sup>1</sup>

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

DONE at Paris on 13 January 1982, in duplicate in the French and Spanish languages.

For the Government  
of the French Republic:

[J. MEADMORE]

For the Government  
of Spain:

[MIGUEL SOLANO AZA]

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<sup>1</sup> United Nations, *Treaty Series*, vol. 907, p. 55.