

No. 21529

---

**FRANCE**  
**and**  
**ALGERIA**

**General Convention on social security (with general protocol and protocol relating to health care provided in France to certain categories of Algerian insured persons). Signed at Paris on 1 October 1980**

*Authentic text: French.*

*Registered by France on 18 January 1983.*

---

**FRANCE**  
**et**  
**ALGÉRIE**

**Convention générale sur la sécurité sociale (avec protocole général et protocole relatif aux soins de santé dispensés en France à certaines catégories d'assurés sociaux algériens). Signée à Paris le 1<sup>er</sup> octobre 1980**

*Texte authentique : français.*

*Enregistrée par la France le 18 janvier 1983.*

## [TRANSLATION — TRADUCTION]

GENERAL CONVENTION<sup>1</sup> ON SOCIAL SECURITY BETWEEN  
THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE  
GOVERNMENT OF THE PEOPLE'S DEMOCRATIC REPUBLIC  
OF ALGERIA

The Government of the French Republic and the Government of the People's Democratic Republic of Algeria,

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 guarantee the rights of their nationals in a co-ordinated system of social welfare,

Have decided to conclude a general convention to co-ordinate the application of French and Algerian social security legislation to French and Algerian nationals and, to that end, have agreed on the following provisions:

## PART I. GENERAL PROVISIONS

*Article 1. EQUAL TREATMENT*

French or Algerian workers engaged, in Algeria or in France, in wage-earning employment or an activity treated as such shall be subject to the social security legislation specified in article 5 below applicable in Algeria or in France respectively, and they and their eligible dependants shall enjoy the benefits thereof on the same conditions as nationals of each of these States.

*Article 2. VOLUNTARY INSURANCE*

Nationals of either State may opt to join the voluntary insurance schemes provided for under the social security legislation of the State in which they are resident, account being taken of any insurance periods [or] equivalent periods completed under the legislation of the other State.

*Article 3. PERSONAL SCOPE*

1. This Convention shall cover migrant workers nationals of either State engaged or formerly engaged, in the territory of the other State, in wage-earning employment or an activity treated as such, and their dependants.

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

- (a) Workers other than those engaged in wage-earning employment or an activity treated as such;
- (b) Civil servants, military personnel and persons treated as such;
- (c) Career diplomatic and consular officials and members of the administrative and technical staff of diplomatic missions and consular posts.

<sup>1</sup> Came into force on 1 February 1982, i.e., the first day of the second month following the date of receipt of the last of the notifications (effected on 8 and 23 December 1981) by which the Contracting Parties informed each other of the completion of the constitutional procedures, in accordance with article 70 (1).

*Article 4. TERRITORIAL SCOPE*

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

- In the case of France: the European and overseas departments of the French Republic, including territorial waters and any area beyond the territorial waters which is, under international law, an area over which France may exercise rights with respect to the sea, the seabed and subsoil and their natural resources;
- In the case of Algeria: the territory of the People's Democratic Republic of Algeria, including territorial waters and any area beyond the territorial waters which is, under international law, an area over which Algeria may exercise rights with respect to the sea, the seabed and subsoil and their natural resources.

*Article 5. MATERIAL SCOPE*

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 social insurance legislation applicable:

—to non-agricultural wage-earners; and

—to agricultural wage-earners

with the exception of provisions which extend the option of joining voluntary insurance schemes for such persons to French nationals working or residing 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;

(e) The legislation relating to special social security schemes, in so far as they deal with the risks or benefits covered by the legislation specified in the foregoing subparagraphs, in particular the social security scheme for the mining industry but excluding the special retirement schemes of the Société Nationale des Chemins de Fer Français (S.N.C.F.) and the electricity and gas companies;

(f) The legislation relating to schemes for seamen, on the conditions specified, when appropriate, by the Administrative Agreement relating to the implementation of this Convention.

(2) In Algeria;

(a) The legislation relating to the organization of social security;

(b) The legislation establishing the social insurance scheme applicable to non-agricultural wage-earners;

(c) The social insurance legislation applicable to agricultural wage-earners and persons treated as such;

(d) The legislation relating to the prevention of, and compensation for, industrial accidents and occupational diseases;

(e) The legislation relating to family allowances;

- (f) The legislation relating to special social security schemes, in so far as they deal with the risks or benefits covered by the legislation specified in the foregoing subparagraphs, in particular the social security scheme for the mining industry but excluding the retirement schemes of the Société Nationale des Transports Ferroviaires (S.N.T.F.) and the Société Nationale Electrique et Gazière (Sonelgaz);
- (g) The legislation relating to schemes for seamen, on the conditions specified, where appropriate, by the Administrative Agreement relating to the implementation of this Convention.

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 or supplemented.

However, it shall apply:

- (a) To laws or regulations covering a new branch of social security only if the Contracting States 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 concerned 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 legislative provisions of each State concerning the special scheme for students shall be applied to nationals of the other State shall be the subject of a protocol to be annexed to this Convention.

#### *Article 6. EXCEPTIONS*

Notwithstanding the provisions of article 1 of this Convention:

1. The following shall not be subject to the social security scheme in effect in the territory of the State in which they are temporarily resident, but shall remain subject to the social security scheme with which they are registered in the territory of the first State:

- (a) Automatically, wage-earners sent by their employer to the territory of the other State 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;
- (b) Subject to prior joint agreement by the competent administrative authorities of the two States or the authorities they have designated for that purpose, wage-earners sent by their employer to the territory of the other State 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 but not beyond a further two-year period, including periods of leave.

2. Wage-earners other than those referred to in article 3 (paragraph 2 (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 be subject to the social security scheme of the State which assigned them.

3. Wage-earners on the staff of diplomatic or consular posts, other than those referred to in article 3 (paragraph 2 (c)), and workers 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 not nationals of the other State.

4. Personnel placed at the disposal of one State by the other on the basis of a co-operation contract shall be governed by the social security provisions contained in the technical and cultural co-operation agreements concluded between the two States.

5. Wage-earners employed by public or private transport enterprises of one of the Contracting States and working in the territory of the other State, either on assignment 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.

6. The competent administrative authorities of the Contracting States may by agreement provide for other exceptions to the provisions of article 1.

Conversely, they may agree that the exceptions provided for in this article shall not apply in certain particular cases.

## PART II. SPECIAL PROVISIONS

### Chapter 1. *Sickness and maternity insurance*

#### *Article 7. EQUAL RIGHTS*

Algerian workers engaged in wage-earning employment in France and French workers engaged in wage-earning employment in Algeria shall receive, together with members of their family who habitually reside with them, the sickness and maternity insurance benefits provided for under the legislation of the country of their new residence if:

- (1) They have worked in that country in an occupation subject to such insurance;
- (2) They satisfy the requirements in that country for the receipt of such benefits.

#### *Article 8. AGGREGATION OF INSURANCE PERIODS*

1. If, for the purpose of entitlement to sickness and maternity insurance benefits, the persons concerned have not completed the insurance period required under the legislation of the new country of employment, insurance periods or equivalent periods completed in the previous country of employment 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 six 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.

2. The above provisions shall also apply if a worker returns to his country of origin. However, the period provided for in paragraph 1 shall be extended to 18 months in the case of an Algerian worker returning to Algeria.

#### *Article 9. TRANSFER OF RESIDENCE (SICKNESS)*

A French wage-earner working in Algeria or an Algerian wage-earner working in France who is receiving sickness insurance benefits from an Algerian institution in the former case or a French institution in the latter case shall continue to receive such benefits if he transfers his residence to the territory of the

other country provided that, prior to his departure, he obtained the authorization of the Algerian or French institution with which he is insured.

Such authorization shall be valid for up to three months.

However, this period may be extended for a further three months by decision of the insuring institution, on the recommendation of its medical advisers.

In cases of exceptionally serious illness, as defined in the Administrative Agreement, the insuring institution shall allow benefits to be continued beyond the six-month period provided for above, on the conditions set forth in that Agreement.

#### *Article 10. TRANSFER OF RESIDENCE (MATERNITY)*

A French female wage-earner working in Algeria and receiving maternity insurance benefits under the Algerian scheme shall be eligible for such benefits under the French scheme if she transfers her residence to the territory of France, provided that prior to her departure she obtained the authorization of the Algerian institution with which she is insured.

An Algerian female wage-earner working in France and receiving maternity insurance benefits under the French scheme shall be eligible for such benefits under the Algerian scheme if she transfers her residence to the territory of Algeria provided that, prior to her departure, she obtained the authorization of the French institution with which she is insured.

The authorization referred to in the two preceding paragraphs shall be valid until the end of the benefit period provided for by the legislation of the new country of residence.

However, in the event of complications during pregnancy or following childbirth, the benefit period may be extended upon certification and on the recommendation of the medical advisers of the insuring institution.

#### *Article 11. PAID LEAVE*

French wage-earners working in Algeria or Algerian wage-earners working in France shall be eligible for sickness and maternity insurance benefits if, during a temporary stay in the territory of the States of which they are nationals while on paid leave, their condition necessitates medical care, including hospitalization, provided that the French or Algerian institution with which they are insured has given its authorization.

Such authorization shall be valid for up to three months.

However, this period may be extended for a further three months by decision of the insuring institution, on the recommendation of its medical advisers.

#### *Article 12. ELIGIBLE DEPENDANTS STAYING TEMPORARILY IN THE STATE IN WHICH THEY ARE NOT RESIDENT*

The eligible dependants of an Algerian worker employed in French territory who reside in France, and the eligible dependents of a French worker employed in Algeria who reside in Algeria, shall be covered by:

- (a) The provisions of articles 9 and 11 if, while accompanying the worker during a temporary stay in connection with his paid leave or authorized transfer

of residence, in the territory of the State of which he is a national, their condition necessitates medical care, including hospitalization;

- (b) The provisions of article 10, if childbirth takes place in the territory of the State in which they are not resident.

*Article 13. PROVISION OF BENEFITS*

In the cases specified in articles 9, 10, 11 and 12, benefits in kind (medical care) shall be provided by the institution of the new country of residence or the country of temporary residence of the worker, in accordance with the provisions of the legislation applicable in that country with regard to the extent of such benefits and the manner of providing them.

In the cases specified in articles 9, 10 and 11 cash benefits (daily allowances) shall be paid by the institution of the country in which the worker is insured.

*Article 14. COST OF PROVIDING BENEFITS*

In the cases specified in articles 9, 10, 11 and 12, the cost of benefits shall be borne by the institution with which the worker is insured.

Benefits in kind shall be reimbursed by the institution with which the worker is insured to the institution of his new country of residence or his country of temporary residence, on a flat rate basis and in the manner determined in the Administrative Agreement.

*Article 15. BENEFITS FOR WORKERS ON ASSIGNMENT*

French or Algerian workers referred to in article 6 (paragraph 1) of this Convention, as well as members of their family accompanying them, shall be entitled to sickness and maternity benefits throughout their stay in the country in which they are employed.

Cash benefits shall be paid directly by the French or Algerian institution with which the workers concerned are insured.

Benefits in kind shall be provided either directly by the institution with which the worker is insured or by the institution of the country in which he is temporarily resident, the choice being left to the worker. If he chooses the latter institution the expenses involved shall be reimbursed to it by the insuring institution, upon certification.

*Article 16. HEALTH CARE FOR FAMILIES*

Family members of a French worker employed in Algeria who are habitually resident in France, and family members of an Algerian worker employed in France who are habitually resident in Algeria, shall be entitled to benefits in kind in respect of sickness and maternity insurance.

Who the family members are, the extent and duration of these benefits and the manner in which they are to be provided shall be determined in accordance with the legislative provisions of the country in which the family resides.

Benefits shall be provided by the institution of the country in which the family resides.

The cost of these benefits shall be borne by the social security scheme of the country in which the worker is insured, which shall reimburse to the social

security scheme of the country in which the family resides seventy-five percent of the expenses involved on a flat-rate basis and in the manner determined in the Administrative Agreement.

*Article 17. HEALTH CARE FOR PENSIONERS*

1. Anyone receiving two old-age pensions, one French and the other Algerian, calculated separately according to the terms of article 27 (paragraph 1) below, shall be entitled, for himself and for members of his family habitually resident with him, to sickness and maternity benefits in kind on the terms set forth by the legislation of the State in whose territory he resides. The cost of these benefits shall be borne by the institution of that State.

2. Anyone receiving either one old-age pension calculated on the basis of aggregation in the manner outlined in article 27 (II), or two old-age pensions calculated in the manner outlined in article 27 (III), shall be entitled to and qualify for sickness and maternity benefits in kind.

These benefits shall be provided to the recipient of the pension, and to members of his family habitually resident with him, by the institution of the State in whose territory he resides, as if he were receiving a pension under the legislation of that State alone.

The cost of such benefits shall be borne by the institution of the latter State. However, the social security scheme of the other State shall reimburse to the social security scheme of the State in which the pensioner resides fifty per cent of the expenses involved, on a flat-rate basis and in the manner determined in the Administrative Agreement.

3. Anyone receiving an old-age, disability or industrial accident pension payable under the legislation of only one Contracting State shall be entitled to and qualify for sickness and maternity benefits in kind when he resides in the territory of the other State.

These benefits shall be provided to the recipient of the pension, and to members of his family habitually resident with him, by the institution of the State in whose territory he resides, as if he were receiving a pension under the legislation of that State.

Entitlement to these benefits shall be determined according to the provisions of the legislation of the scheme liable for payment of the pension. The extent and duration of the benefits and the manner in which they are paid shall be determined according to the provisions of the legislation of the State in which the recipient of the pension resides.

The cost of these benefits shall be borne by the social security scheme liable for payment of the pension, which shall reimburse to the social security scheme of the State in which the pensioner resides seventy-five percent of the expenses involved, on a flat-rate basis and in the manner determined in the Administrative Agreement.

*Article 18. MAJOR BENEFITS IN KIND*

The provision of prosthetic devices, large appliances and other major benefits in kind, a list of which is annexed to the Administrative Agreement, shall be subject, except in emergencies, to authorization by the insuring institution.



Such authorization shall not, however, be required in the case of costs to be reimbursed on a flat-rate basis.

## Chapter 2. *Disability insurance*

### *Article 19.* ENTITLEMENT

1. If a migrant worker who is a national of either country does not meet the requirements set by the legislation concerning disability insurance of the new country of employment in order to qualify for benefits or to maintain or recover that entitlement, insurance periods and equivalent periods completed under the social security scheme of the first country shall be aggregated, without any overlapping, with insurance periods or equivalent periods completed under the scheme of the new country of employment.

If the insurance periods completed in the two countries overlap, the provisions of article 28 below shall apply.

However, these periods may be aggregated only if not more than six 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.

2. The above provisions shall also apply if the worker returns to his country of origin. However, the period referred to in the preceding paragraph shall be extended to 18 months in the case of an Algerian worker returning to Algeria.

### *Article 20.* CALCULATION OF THE PENSION

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

If, under the legislation of either Contracting State, a disability pension is calculated on the basis of the average wage for all or part of the insurance period, the average wage taken into consideration for the purpose of calculating the pension shall be determined on the basis of the wages recorded during the insurance period completed under the legislation of that State.

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

### *Article 21.* RECOVERY OF ENTITLEMENT

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 calculated in accordance with the rules down in article 20.

### *Article 22.* PAYMENT OF THE PENSION

Workers who are nationals of either Contracting Party and are in receipt of a disability pension under the legislation of one Party shall be entitled to such pension when residing in the territory of the other Party.

*Article 23.* CONVERSION TO AN OLD-AGE PENSION

The disability pension shall be converted, where appropriate, into an old-age pension once the conditions, for instance age conditions, laid down by the legislation of one of the two Contracting Parties for the award of an old-age pension are fulfilled.

If the total benefits which an insured person can claim under each of the old-age insurance schemes of the two Contracting Parties are less than the amount of the disability pension, a supplement equal to the difference shall be paid to him by the insurance scheme which was liable for that pension.

*Article 24.* WIDOW'S DISABILITY PENSION

If there is more than one wife eligible simultaneously or successively for the widow's disability pension provided for under French legislation, the provisions of article 34 (paragraph 3) shall apply.

*Article 25.* SPECIAL LEGISLATION RELATING TO MINeworkERS IN FRANCE

The occupational disability pension provided for under the 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 resided in France or in Algeria up to the time of determination of such pension.

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

Chapter 3. *Old-age insurance and life insurance (survivors' pensions)*

*Article 26.* WAIVER OF RESIDENCE CLAUSES

If for the purpose of granting old-age benefits based on contributions or the completion of certain formalities, the legislation of one of the Contracting States imposes on alien workers conditions of residence in the territory of that State, these conditions shall not apply to persons covered by this Convention who are resident in the territory of the other State.

*Article 27.* METHODS OF DETERMINING RETIREMENT BENEFITS

French or Algerian wage-earners who, during their working lives, have been insured successively or alternately in the territory of both Contracting States with one or more old-age insurance schemes in each of these States, shall receive benefits on the following conditions:

I. If the person concerned meets both the condition concerning length of insurance required by French legislation and that required by Algerian legislation in order to qualify for a French old-age pension and an Algerian old-age pension, without having to aggregate insurance periods or equivalent periods completed in the territory of the other Contracting Party, the competent institution of each Party shall determine the amount of the pension according to the provisions of the legislation which it applies, taking into account only the insurance periods completed under such legislation.

II. If the person concerned does not meet in either France or Algeria the condition concerning length of insurance required by the legislation of each Party in order to qualify for a French old-age pension or an Algerian old-age pension, the retirement benefits which he may claim from the French and the Algerian institutions shall be determined according to the following rules:

(a) Aggregation of insurance periods.

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 entitlement to benefits and for the purpose of the maintenance or recovery of such entitlement.

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

(b) Calculation of benefits.

1. Taking into account the aggregation of periods specified above, the competent institution of each country shall determine, in accordance with its own legislation, whether the person concerned meets the requirements for entitlement to an old-age pension 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 pro-rating the amount of the benefit referred to in the preceding paragraph to the proportion which the duration of the insurance periods or equivalent periods completed under its own legislation represents of all periods completed in the two countries.

III. If the person concerned meets the condition concerning length of insurance required by the legislation of one Party but not required by the legislation of the other Party in order to qualify for an old-age pension:

—The competent institution responsible for implementing the legislation under which entitlement exists shall determine the pension as stipulated in section I of this article;

—The competent institution responsible for implementing the legislation under which no entitlement exists shall determine the old-age pension as stipulated in section II of this article.

#### *Article 28. RULES RELATING TO THE AGGREGATION OF INSURANCE PERIODS*

When aggregation of the insurance periods completed in the two countries is necessary for the determination of benefits, the following rules shall apply:

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

2. If a given period is recognized as equivalent to an insurance period under both French and Algerian legislation, that period shall be taken into account by

the institution of the State in which the person concerned was last compulsorily insured before the period in question.

3. If an insurance period completed as compulsory insurance under the legislation of one Contracting Party coincides with an insurance period completed as voluntary insurance under the legislation of the other Party, only the former shall be taken into account by the first-mentioned Party.

#### *Article 29.* MINIMUM DURATION OF INSURANCE PERIODS

1. If the total duration of insurance periods completed under the legislation of one Contracting Party is less than one year, the institution of that Party shall not be bound to award benefits in respect of these periods unless those periods, in and of themselves, create an entitlement to benefits under that legislation in which case the entitlement shall be determined on the basis of these periods alone.

2. Nevertheless, these periods may be taken into consideration for the granting of entitlement by aggregation under the legislation of the other Contracting Party.

#### *Article 30.* SPECIAL SCHEMES

1. If the legislation of one of the Contracting States makes it a condition for the award of certain benefits that the insurance periods shall have been completed in an occupation which is subject to a special scheme or, as the case may be, in a given occupation or employment, periods completed under the legislation of the other Contracting State shall be taken into account for the purpose of the award of such benefits only if they were completed under a corresponding scheme or, failing that, in the same occupation or employment.

2. If, taking into account the periods thus completed, the person concerned does not meet the conditions necessary for the enjoyment of such benefits, these periods shall be taken into account for the award of benefits under the general scheme, without taking into account their specificity.

3. Notwithstanding the provisions of article 26 :

- (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 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 31.* SUCCESSIVE APPLICATION OF LEGISLATION

1. If the insured does not, at a given moment, meet the age requirement imposed by the legislation of the two Contracting Parties but only that of one Party, the amount of the benefits payable under the legislation under which entitlement exists shall be calculated in accordance with the provisions of article 27 (I) or (II), as the case may be.

2. The above solution shall also apply if the insured meets, at a given moment, the conditions imposed by the old-age legislation of both Parties but has availed himself of the opportunity provided by the legislation of one Party to defer determination of his entitlement to old-age benefits.

3. If the age requirement imposed by the legislation of the other Party is met, or if the insured requests the determination of his entitlement which he had deferred under the legislation of one of the Parties, the benefits payable under this legislation shall be determined as stipulated in article 27 (I) or (II), as the case may be, without there being any need to revise the benefits already determined under the legislation of the first Party.

*Article 32. BASES FOR THE CALCULATION OF BENEFITS*

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

*Article 33. PAYMENT OF THE OLD-AGE PENSION*

Workers who are nationals of either Contracting Party and are receiving an old-age pension under the legislation of one Party shall receive that benefit when they reside in the territory of the other Party.

*Article 34. SURVIVORS' BENEFITS*

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

2. If the death creating entitlement to a survivors' pension occurs before the worker's entitlement to old-age insurance has been determined, the benefits payable to his eligible dependants shall be calculated as stipulated in article 27.

3. If, according to his personal status, the insured had more than one wife, at the time of his death the benefit payable to the surviving spouse shall be determined as soon as one of the wives meets the conditions for entitlement to the benefit:

- (a) If all the wives are resident in Algeria at the time when the survivors' pension is determined, the pension arrears shall be paid to the Algerian body designated by the Administrative Agreement, which shall apportion them according to the personal status of those concerned. Such payments shall be final from the standpoint of both the debtor institution and the persons concerned.
- (b) If the wives are not all resident in Algeria at the time when the survivors' pension is determined, the pension arrears shall be paid in full to the eligible wife irrespective of her place of residence. If more than one wife is eligible, the benefit shall be apportioned equally among them. A further apportionment shall be made whenever a wife meets the conditions for entitlement.

The death of one wife shall not lead to a further apportionment among the surviving wives.

Chapter 4. *Industrial accidents and occupational diseases*

*Article 35. WAIVER OF RESIDENCE CLAUSES*

1. No provisions in the legislation of one Contracting State 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 State.

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

#### *Article 36. TRANSFER OF RESIDENCE*

A French wage-earner who has sustained an industrial accident or contracted an occupational disease in Algeria, or an Algerian wage-earner who has sustained an industrial accident or contracted an occupational disease in France, and who has been receiving the benefits payable during the period of temporary disability shall remain eligible for such benefits if he transfers his residence to the territory of the other country, provided that, prior to his departure, he obtained the authorization of the Algerian or French institution with which he is insured.

Such authorization shall be valid only for the period specified by the insuring institution.

If, on expiry of the specified period the condition of the person concerned so requires, the period shall, by decision of the insuring institution on the recommendation of its medical advisers, be extended until he has recovered or until the injury has properly healed.

#### *Article 37. RELAPSE*

1. If, following an accident sustained or an occupational disease diagnosed in Algeria or in France, a French or Algerian wage-earner suffers a relapse after transferring his residence temporarily or permanently to France or Algeria, he shall be entitled to industrial accident insurance benefits in kind and in cash, provided that he has obtained the authorization of the Algerian or French institution with which he was insured at the time of the accident or of the original diagnosis of the occupational disease.

2. Entitlement shall be determined in the light of the legislation applied by the Algerian or French institution with which the worker was insured at the time of the accident or of the original diagnosis of the occupational disease.

#### *Article 38. PROVISION OF TEMPORARY DISABILITY BENEFITS*

1. In the cases referred to in articles 36 and 37:

Benefits in kind (medical care) shall be provided by the institution in the worker's new country of residence, in accordance with the provisions of the legislation applicable in that country with regard to the extent of such benefits and the manner in which they are provided. However, the period for which such benefits are provided shall be that laid down by the legislation of the country in which the worker is insured.

Cash benefits (daily allowances) shall be provided by the institution with which the person concerned is insured, in accordance with applicable legislation.

2. The provisions of paragraph 1 of this article shall not apply to:

- (a) French workers who sustained an industrial accident in Algeria or were diagnosed with an occupational disease in Algeria, either in an agricultural occupation or in a non-agricultural occupation prior to 1 April 1967, if they have transferred their residence to France. In such cases, benefits shall be provided directly either by agricultural social security bodies or by the responsible employer or the substitute insurer.
- (b) To Algerian workers who sustained an industrial accident or were diagnosed with an occupational disease in an agricultural occupation in France prior to 1 July 1973, if they have transferred their residence to Algeria. In such cases, benefits shall be provided directly by the responsible employer or the substitute insurer.

*Article 39. COST OF PROVIDING TEMPORARY DISABILITY BENEFITS*

1. In the cases specified in articles 36 and 37, the cost of benefits shall be borne by the institution with which the worker is insured.

Benefits in kind shall be reimbursed by the institution with which the worker is insured to the institution of his new country of residence, on a flat-rate basis and in the manner determined in the Administrative Agreement.

2. In the cases specified in article 38 (paragraph 2 a), the cost of benefits shall be borne either by agricultural social security bodies or by the responsible employer or the substitute insurer.

3. In the cases referred to in article 38 (paragraph 2 b), the cost of benefits shall be borne by the responsible employer or the substitute insurer.

*Article 40. MAJOR BENEFITS IN KIND*

The provision of prosthetic devices, large appliances and other major benefits in kind, a list of which is annexed to the Administrative Agreement, shall be subject, except in emergencies, to prior authorization by the insuring institution. Such authorization shall not, however, be required in the case of expenses reimbursed on a flat-rate basis.

*Article 41. SUCCESSIVE ACCIDENTS*

For the purpose of assessing the degree of permanent disability resulting from an industrial accident or an occupational disease under 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 were sustained or contracted under the legislation of the first-mentioned Party.

*Article 42. PENSIONS FOR SURVIVING SPOUSES*

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

*Article 43. OCCUPATIONAL DISEASES*

1. If a person suffering from an occupational disease has been engaged in the territory of both Parties in an occupation which could have caused that disease, the benefits which he or his survivors may claim shall be granted exclu-

sively under the legislation of the Party in whose territory he was last engaged in that occupation, provided that he satisfies the conditions laid down in that legislation.

2. If the legislation of one of the Parties makes it a condition for the award of occupational disease benefits that the disease was 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) If the legislation of one of the Parties makes it a condition for the award of occupational disease benefits that an activity which could have caused that disease was carried on for a certain length of time, the competent institution of that Party shall take into account, to the extent necessary, the periods during which such activity was carried out in the territory of the other Party;
- (b) The cost of pensions shall be borne by the competent institution of the State in whose territory the occupation which could have caused the disease in question was last carried on.

#### *Article 44. WORSENING OF AN OCCUPATIONAL DISEASE*

If an occupational disease for which compensation is being paid under the legislation of one of the Parties worsens while the person concerned is resident in the territory of the other Party, the following rules shall apply:

- (a) If the worker has not engaged in the territory of his new country of residence in an occupation which could have caused that occupational disease, the institution of the first country shall bear the resultant costs under the terms of its own legislation;
- (b) If the worker has engaged in the territory of his new country of residence in an occupation which could have caused that occupational disease:

—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 payable before the worsening of the disease and the amount payable after it.

### Chapter 5. *Family allowances*

#### *Article 45. CHILDREN RESIDING IN THE COUNTRY OF EMPLOYMENT*

1. Algerian wage-earners working in French territory shall be entitled, in respect of their children residing in France, to the family allowances provided for under French legislation.

2. French wage-earners working in Algerian territory shall be entitled, in respect of their children residing in Algeria, to the family allowances provided



for under Algerian legislation, if they satisfy the requirements set forth in that legislation.

*Article 46. ENTITLEMENT TO FAMILY ALLOWANCES AWARDED  
BY THE CHILDREN'S COUNTRY OF RESIDENCE*

1. Wage-earners working in France or Algeria may claim, in respect of their children residing in the territory of the other State, the family allowances provided for under the legislation of the State in whose territory the children are resident, if they satisfy the requirements set forth in the legislation of the country of employment.

If the country of employment is France, the criteria defining what constitutes a wage-earner within the meaning of this article shall be determined in the Administrative Agreement.

2. An Algerian worker who is receiving a French pension in respect of an industrial accident or occupational disease, or a French worker who is receiving an Algerian pension in respect of an industrial accident or occupational disease, may claim for his children residing with him in Algeria or in France the family allowances provided for under Algerian or French legislation, as the case may be, if the rate used for calculating his pension is at least 66 2/3 per cent.

The provisions of articles 47 to 50 inclusive shall apply to such cases.

*Article 47. ELIGIBLE CHILDREN*

Children eligible for the family allowances referred to in article 46 shall be the worker's dependent children within the meaning of the legislation or regulations of the State in whose territory they are resident.

*Article 48. PAYMENT OF FAMILY ALLOWANCES*

Family allowances shall be paid by the competent institution of the State in whose territory the children are resident, in the manner provided for by the legislation which that institution is required to apply.

*Article 49. PARTICIPATION OF THE COUNTRY OF EMPLOYMENT*

1. The competent institution of the State in whose territory the worker is employed shall pay directly to the central institution of the State in whose territory the children are resident a flat-rate contribution, the amount of which per child shall be indicated on a scale drawn up by mutual agreement between the competent administrative authorities of the two States and annexed to the Administrative Agreement.

2. The scale may be revised not more than once a year. The revision shall be carried out according to the terms specified in the Administrative Agreement.

*Article 50. MANNER OF PAYMENT OF THE CONTRIBUTION*

The conditions for implementing article 49, in particular, the manner of payment of the contribution, shall be stipulated in the Administrative Agreement or in the scale referred to in that article.

*Article 51. WORKERS ON ASSIGNMENT*

1. The children of workers referred to in article 6 (paragraph 1) who accompany such workers to the territory of the other State shall be entitled to

the family allowances provided for under the legislation of the country in which the workers are insured and listed as in the Administrative Agreement.

2. Family allowances shall be paid directly by the competent family allowance institution of the country in which the persons concerned are insured.

#### Chapter 6. *Death benefits*

##### *Article 52. EQUAL RIGHTS*

Algerian workers engaged in wage-earning employment in France and French workers engaged in wage-earning employment in Algeria shall be entitled to the death benefits provided for under the legislation of the country in which they are employed 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 53. AGGREGATION OF INSURANCE PERIODS*

If, for the purpose of entitlement to the said allowances at the time of his death a worker had not completed the insurance period required under the legislation of the new country of employment, the provisions of article 8 of this Convention shall apply.

##### *Article 54. INDIVIDUAL CASES*

In the cases specified in articles 9, 10 and 11, a person who dies in the country in which he is temporarily resident shall be considered to have died in the country of employment.

### PART III. MISCELLANEOUS PROVISIONS

#### Chapter I. *Measures for the implementation of the Convention*

##### *Article 55. COMPETENT ADMINISTRATIVE AUTHORITIES*

In the territory of each Contracting Party, the ministers responsible in their respective fields for the implementation of the legislation specified in article 5 shall be deemed to be the competent administrative authorities for the purposes of this Convention.

##### *Article 56. ADMINISTRATIVE AGREEMENTS*

A general administrative agreement, drawn up by the competent administrative authorities of the two Contracting Parties, shall establish any conditions necessary for the implementation of this Convention, in particular those relating to articles which refer expressly to such an Agreement.

The said Agreement shall designate the liaison bodies of the two Contracting Parties. Models of the forms required for setting in motion procedures and formalities agreed upon jointly shall be annexed to the general Administrative Agreement or, where appropriate, to a supplementary Administrative Agreement. Furthermore, the competent administrative authorities of the two Parties shall adopt any Administrative Agreements supplementing or amending the general Administrative Agreement.

*Article 57. JOINT COMMISSION*

A Joint Commission shall be established to monitor implementation of the Convention and to propose possible amendments to it. The Administrative Agreement shall specify the tasks of that Commission and determine how it shall operate.

*Article 58. INFORMATION*

1. The competent administrative authorities as defined in article 55 shall:
  - Communicate directly to each other any information regarding measures taken in their respective countries to implement this Convention and the agreements adopted for its implementation;
  - 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 adopted for its implementation;
  - Communicate directly to each other any information regarding amendments to the legislation and regulations referred to in article 5, in so far as they might affect the implementation of this Convention or of the agreements adopted for its implementation.

*Article 59. MUTUAL ASSISTANCE IN ADMINISTRATIVE MATTERS*

The competent administrative authorities and social security institutions of the two Contracting Parties shall assist one another in the implementation both of this Convention and of the social security legislation of the other party as if they were implementing their own social security legislation.

*Article 60. PROCEDURES FOR SUPERVISION*

The competent administrative authorities shall establish by Administrative Agreement procedures for medical and administrative supervision and for the expert services required for the implementation of this Convention.

*Article 61. OPERATION OF INSTITUTIONS*

There shall be no derogation from the rules laid down by the legislation listed in article 5 in respect of the participation of aliens in the establishment or replacement of the organs required for the operation of the social security institutions of either Contracting Party.

*Chapter 2. Provisions derogating from domestic legislation*

*Article 62. EXEMPTIONS FROM FEES AND WAIVER OF CERTIFICATION*

1. Any exemptions 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 purposes of this Convention to the social security authorities or institutions of the other Party.

2. Certification 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 63. 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 admissible if they are presented within the same time-limit to a corresponding authority, institution or court of the other Party. In such cases, appeals shall be transmitted without delay to the competent authority, institution or court of the first-mentioned Party.

If the authority or institution to which the appeal has been presented does not know which is the competent authority or institution, the appeal may be transmitted through the authorities specified in article 55 above.

*Article 64. 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 eligible for such benefits under this Convention.

Chapter 3. *Financial provisions*

*Article 65. SOCIAL TRANSFERS*

Notwithstanding any domestic provisions concerning exchange controls, the two Governments shall undertake not to obstruct in any way the free transfer of all monies representing payments made in implementation of this Convention and the Protocols annexed to it.

*Article 66. RECOVERY OF CONTRIBUTIONS*

1. Contributions due to an institution of one of the Contracting Parties administering a compulsory scheme for wage-earners 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 contributions due to the institution of the latter Party.

2. The procedures for applying the provisions of paragraph 1 shall be determined, where necessary, by special agreement between the two Parties; such agreement may also deal with the procedures for forcible recovery.

*Article 67. FINANCIAL REGULATIONS*

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 expenses or on a flat-rate basis, shall be expressed in the currency of the State of the institution which provided the benefit.

*Article 68. CENTRALIZATION OF BENEFITS*

The competent administrative authorities of the two States may, by administrative agreement, delegate to the liaison bodies of the two States the task of centralizing, with a view to their transfer to the other State, all or some of the benefits provided for under this Convention. In such cases, the transfer of such

benefits shall be effected through the institutions of the two Parties designated for that purpose.

#### PART IV. FINAL PROVISIONS

##### *Article 69.* SETTLEMENT OF DISPUTES

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

2. Should it prove impossible to reach a settlement by this means, the dispute shall be settled by mutual agreement between the two Governments.

3. Should it prove impossible to settle the dispute by the latter procedure, the dispute shall be submitted to an arbitration procedure established by mutual agreement between the two Governments.

##### *Article 70.* ENTRY INTO FORCE OF THE CONVENTION

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

2. The General Convention on social security between France and Algeria, signed on 19 January 1965,<sup>1</sup> and texts amending or supplementing it, shall be repealed on the date of entry into force of this Convention.

3. The following shall also be repealed as of the same date:

—The Protocols annexed to the Convention of 19 January 1965, except for Protocol No. 3, on old-age insurance periods completed by French nationals in Algeria prior to 1 July 1962, which shall remain in effect;

—The Special Agreement concerning the social security scheme for seamen signed on 23 January 1973,<sup>2</sup> and the Protocol relating to insurance for students of national Merchant Marine Schools and Seamen's Training Schools signed that same day.<sup>3</sup>

4. Persons covered by the international instruments referred to above shall suffer no prejudice as a result of the repeal of those instruments and shall, as a matter of course, be entitled to the advantages provided for under this Convention and its general Protocol.

##### *Article 71.* DURATION OF THE CONVENTION

This Convention and the two Protocols annexed to it shall apply for a period of one year from the date of their entry into force. They shall be renewed automatically for periods of one year unless notice of termination is given three months prior to the expiry of any such period.

In the event of termination, their provisions shall remain applicable to acquired rights, notwithstanding any restrictive provisions which the schemes in question may stipulate for cases where an insured person resides abroad.

<sup>1</sup> United Nations, *Treaty Series*, vol. 964, p. 248.

<sup>2</sup> *Ibid.*, p. 297.

<sup>3</sup> *Ibid.*, p. 317.

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

DONE at Paris, on 1 October 1980, in two original copies.

For the Government  
of the French Republic:

[PIERRE SCHOPFLIN]

For the Government of the People's  
Democratic Republic of Algeria:

[MOHAMED MENTOURI]

## GENERAL PROTOCOL

At the time of signing the new General Convention of today's date between France and Algeria, the Contracting Parties, desiring, on the one hand, to strengthen their cultural co-operation by ensuring the social protection of nationals of each State studying in the territory of the other State and, on the other hand, to ensure full equality of treatment for the wage-earners of the two countries by granting to retired wage-earners who have worked in the territory of one country the non-contributory retirement benefit awarded under the legislation of that country to its own nationals, have agreed as follows:

### I. SOCIAL INSURANCE FOR STUDENTS

1. The French social insurance scheme for students established in the Social Security Code, book VI, title 1, shall apply, on the same conditions as it applies to French students, to Algerian students pursuing their studies in France who neither have social insurance coverage nor are dependants of persons having such coverage in France.

2. The Algerian social insurance scheme for students shall apply on the same conditions as it applies to Algerian students, to French students pursuing their studies in Algeria who neither have social insurance coverage nor are dependants of persons having such coverage in Algeria.

### II. INSURANCE SCHEME FOR STUDENTS OF NATIONAL MERCHANT MARINE SCHOOLS AND SEAMEN'S TRAINING SCHOOLS

1. The French insurance scheme for students of national Merchant Marine Schools and Seamen's Training Schools, established by the Act of 7 April 1942, shall apply, on the same conditions as for French students, to Algerian students pursuing a course of instruction in France in national Merchant Marine Schools and in Seamen's Training Schools.

2. The Algerian insurance scheme for students of national Merchant Marine Schools and Seamen's Training Schools shall apply, on the same conditions as for Algerian students, to French students pursuing a course of instruction in Algeria in national Merchant Marine Schools and in Seamen's Training Schools.

### III. RETIREMENT BENEFITS FOR WAGE-EARNERS

1. The retirement benefit for wage-earners provided under French law shall be granted to Algerian wage-earners resident in France on the date on which the benefit is determined, on the same conditions as it is granted to French wage-earners.

The same shall apply to the life annuity awarded under French legislation to the surviving spouse of a wage-earner after the latter's death.

2. The retirement benefit for wage-earners provided under Algerian law shall be granted to French wage-earners resident in Algeria on the date on which the benefit is determined on the same conditions as it is granted to Algerian wage-earners.

The same shall apply to the life annuity awarded under Algerian legislation to the surviving spouse of a wage-earner after the latter's death.

3. The retirement benefit awarded for wage-earners on the conditions set forth in paragraphs 1 and 2 above shall continue to be paid to Algerian beneficiaries who return to Algeria to live and to French beneficiaries who return to France to live.

The provisions of this General Protocol shall take effect on the date of entry into force of the General Convention.

DONE at Paris, on 1 October 1980, in two original copies.

For the Government  
of the French Republic:

[PIERRE SCHOPFLIN]

For the Government of the People's  
Democratic Republic of Algeria:

[MOHAMED MENTOURI]

#### PROTOCOL ANNEXED TO THE GENERAL CONVENTION RELATING TO HEALTH CARE PROVIDED IN FRANCE TO CERTAIN CATE- GORIES OF ALGERIAN INSURED PERSONS

The Government of the French Republic and the Government of the People's Democratic Republic of Algeria,

Desiring to permit the provision of health care in France to Algerian workers covered by Algerian social security schemes, agree as follows:

*Article 1.* This Protocol shall apply to Algerian wage-earners and Algerian public employees resident in Algeria and covered by:

—An Algerian sickness or maternity insurance scheme;

—Algerian legislation relating to industrial accidents and occupational diseases in respect of accidents sustained or diseases diagnosed in Algeria.

*Article 2.* Any insured person referred to in article 1 who is entitled to benefits in kind (health care) under sickness, maternity or industrial accident insurance schemes, the cost of which is borne by an Algerian institution, shall, in French territory, enjoy the corresponding benefits provided under French legislation if prior to his departure, he obtained the authorization of the Algerian institution with which he is insured.

Such authorization shall be valid for up to three months.

This period may be extended by the Algerian institution only upon production of medical certificates addressed to it.

*Article 3.* Persons referred to in article 1 who are temporarily resident in French territory shall be entitled to the benefits of the French social security scheme referred to in article 2, if their condition requires immediate medical care, including hospitalization.

*Article 4.* In the cases specified in articles 2 and 3, benefits in kind (medical care) shall be provided by the French institution in accordance with the provisions of the legislation which it is responsible for applying with regard to the extent of such benefits and the manner of providing them.

*Article 5.* In the cases specified in articles 2 and 3, the cost of benefits shall be borne by the Algerian institution. Benefits shall be reimbursed to the



French institution by the Algerian institution at a flat rate based on the actual cost. The flat rate shall be determined by the Joint Commission referred to in article 6 below.

*Article 6.* The Joint Commission established under article 57 of the Franco-Algerian Convention on social security of 1 October 1980 shall be competent to deal with issues arising from the implementation of this Protocol.

It shall be responsible for monitoring the implementation of the Protocol and for proposing possible amendments thereto.

It shall audit the accounts on the basis of the respective credits and debts resulting from the implementation of both this Protocol and the above-mentioned Convention, on conditions to be stipulated in the Administrative Agreement.

*Article 7.* The amount of the reimbursements provided for in this Protocol shall be expressed in French francs.

*Article 8.* The Administrative Agreement provided for in article 9 shall include the designation of the Algerian centralizing body responsible for remitting the reimbursements provided for in this Protocol, and the French centralizing body responsible for receiving the funds.

*Article 9.* An Administrative Agreement drawn up by the competent administrative authorities of the two Contracting Parties shall establish any conditions necessary for the implementation of this Protocol, in particular those relating to articles which expressly refer to such an Agreement.

Models of the forms required for setting in motion procedures and formalities jointly agreed upon shall be annexed to the Administrative Agreement or, where appropriate, to a supplementary Administrative Agreement.

*Article 10.* The flat rate shall be established at the level of the actual cost only as of 1 January 1983. Until that date and on a transitional basis, reimbursement of the expenses referred to in article 5 shall be made by the Algerian scheme on conditions jointly agreed upon by the two Governments.

DONE at Paris, on 1 October 1980, in two original copies.

For the Government  
of the French Republic:  
[PIERRE SCHOPFLIN]

For the Government of the People's  
Democratic Republic of Algeria:  
[MOHAMED MENTOURI]