

**No. 22408**

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**FRANCE  
and  
MALI**

**General Convention on social security (with protocols).  
Signed at Paris on 12 June 1979**

*Authentic text: French.*

*Registered by France on 26 October 1983.*

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**FRANCE  
et  
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**Convention générale sur la sécurité sociale (avec proto-  
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*Texte authentique : français.*

*Enregistrée par la France le 26 octobre 1983.*

## [TRANSLATION — TRADUCTION]

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

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

Being resolved to co-operate more closely in the social field,

Reaffirming the principle that nationals of both States should receive equal treatment under the social security legislation of each of them,

Desiring to ensure for workers of either country engaged or formerly engaged in wage-earning employment in the other country a better guarantee and protection of their acquired rights,

Determined, to that end, to conclude a new general convention on social security to replace the preceding Convention,

Have agreed on the following provisions:

## PART I. GENERAL PROVISIONS

*Article 1. EQUAL TREATMENT*

1. Malian nationals engaged in France in wage-earning employment or an activity treated as such shall be subject to the social security legislation specified in article 3 of this Convention applicable in France, and they and their eligible dependants residing in France shall enjoy the benefits thereof on the same conditions as French nationals.

2. French nationals engaged in Mali in wage-earning employment or an activity treated as such shall be subject to the social security legislation specified in article 3 of this Convention applicable in Mali, and they and their eligible dependants residing in Mali shall enjoy the benefits thereof on the same conditions as Malian nationals.

*Article 2. TERRITORIAL SCOPE*

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

—In the case of Mali: the territory of the Republic of Mali;

—In the case of France: the European and overseas departments of the French Republic.

*Article 3. MATERIAL SCOPE*

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

—In France:

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

<sup>1</sup> The Convention and its two protocols entered into force on 1 June 1983, i.e., the first day of the second month following the date of the last of the notifications by which the Contracting Parties communicated to each other (on 3 October 1981 and 14 April 1983) their approval, in accordance with article 62 (3) of the Convention, and articles 3 and 6 of protocols 1 and 2, respectively.

(b) The social insurance legislation applicable:

—To non-agricultural wage-earners;

—To agricultural wage-earners and persons treated as such,

with the exception of provisions which extend the option of joining voluntary insurance schemes to French nationals whether wage-earners or self-employed persons, working 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 concern the risks or benefits covered by the legislation specified in the foregoing sub-paragraphs, and in particular the social security scheme for the mining industry.

(f) The legislation relating to the scheme for seamen, on the conditions specified, when appropriate, by the administrative agreement relating to the implementation of this Convention.

—In Mali:

(a) The legislation relating to family allowance in kind and in cash;

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

(c) The legislation relating to old-age benefits;

(d) The legislation relating to protection against disease.

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 Parties have concluded an agreement to that effect;

(b) To laws or regulations extending existing schemes to new categories of beneficiaries only if the Government of the Party amending its legislation has not notified the Government of the other Party within a period of three months from the date of the official publication of the said laws or regulations that it objects to such application.

3. The conditions on which the Malian and French legislative provisions concerning schemes for students may be applied to Malian and French nationals shall be the subject of a protocol to be annexed to this Convention.

#### *Article 4. PERSONAL SCOPE*

1. This Convention shall cover nationals of either Contracting Party engaged or formerly engaged 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) Agents of diplomatic missions and consular posts.

#### *Article 5. APPLICABLE LEGISLATION*

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

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

- (a) Wage-earners or persons treated as such who are resident in the territory of one of the Contracting States and who are employed in the other State by an enterprise having a place of business there shall remain subject to the legislation in force in the State of their usual place of employment, provided that their employment in the said place of business in the territory of the other State does not extend beyond two years, including the period of leave. Within that two-year period, the competent institution shall determine the duration of the assignment.

If, as a result of unforeseeable circumstances, the work extends beyond the initially scheduled period and exceeds two years, the legislation of the first-mentioned State shall continue to apply for an additional period of up to one year, which may be renewed once, subject to the consent of the competent authorities of the two Contracting Parties or the authorities they have delegated for that purpose.

- (b) Workers in the service of a Government department of one of the Contracting Parties who are subject to the legislation of the said Party and who are assigned to the other shall continue to be subject to the legislation of the State which assigned them;
- (c) Wage-earners on the staff of diplomatic or consular posts, other than those referred to in article 4, paragraph 2 (c), or who are in the personal employ of agents of such posts, may opt to be subject to the legislation of the State represented, provided that they are nationals of that State;
- (d) Personnel, other than civil servants, placed at the disposal of one State by the other on the basis of a technical assistance contract shall be governed by the social security legislation of the last-mentioned State, subject to the social security provisions contained in the technical co-operation agreements;
- (e) 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 temporarily for a three-month renewable period or as a travelling personnel, shall be subject to the social security scheme in force in the territory of the State in which the enterprise has its head office.

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

### *Article 6. VOLUNTARY INSURANCE*

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

2. The provisions of article 5, paragraph 1, shall not prevent French workers who are subject to the Malian social security scheme and Malian workers who are subject to the French social security scheme from contributing or continuing to contribute to the voluntary insurance scheme provided for under the legislation of the State of which they are nationals.

## PART II. SPECIAL PROVISIONS

### Chapter 1. SICKNESS AND MATERNITY BENEFITS

#### *Article 7. ENTITLEMENT*

Wage-earners or persons treated as such who go from France to Mali or from Mali to France shall receive, together with their dependants who are resident in the territory of the State of the new place of employment, sickness or maternity benefits from the said State if:

- (a) The workers have worked in that State in an occupation subject to such insurance;
- (b) They satisfy the requirements in that State for the receipt of such benefits.

#### *Article 8*

1. If, for the purpose of entitlement to sickness benefits, the person concerned has not completed the insurance period required under the legislation of the new State of employment, insurance periods or equivalent periods previously completed in the other State shall be added to the insurance periods or equivalent periods completed in that State.

2. However, such periods may be aggregated only if not more than three months have elapsed between the end of the insurance period in the first State and the beginning of the insurance period in the new State of employment.

#### *Article 9. PAID LEAVE*

1. French wage-earners working in Mali or Malian wage-earners working in France shall be eligible for sickness benefits if, during a temporary stay in their respective countries of origin while on paid leave, their condition necessitates emergency medical care, including hospitalization, provided that the Malian or French institution with which they are insured has given its authorization. Such authorization shall be valid for up to three months.

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

3. In the case of exceptionally serious illness, the insuring institution shall allow benefits to be continued beyond the six-month period provided for above, on the conditions set forth in the administrative Agreement.

*Article 10. TRANSFER OF RESIDENCE OF WORKERS*

1. A French wage-earner working in Mali or a Malian wage-earner working in France who is receiving sickness benefits from a Malian 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 State, provided that prior to his departure he obtained the authorization of the Malian or French institution with which he is insured.

2. Such authorization shall be valid for up to three months.

3. However, this period may be extended on the conditions provided for in article 9 (paragraphs 2 and 3) of this Convention.

*Article 11. TRANSFER OF RESIDENCE (MATERNITY)*

1. A French female wage-earner working in Mali and receiving maternity benefits from a Malian institution 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 Malian institution with which she is insured, which shall take into account the reasons for the transfer.

A Malian female wage-earner working in France and receiving maternity benefits from a French institution shall be eligible for such benefits under the Malian scheme if she transfers her residence to the territory of Mali, provided that prior to her departure she obtained the authorization of the French institution with which she is insured, which shall take into account the reasons for the transfer.

2. 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 State of employment.

3. 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 12. PROVISION OF BENEFITS*

In the cases specified in articles 9, 10 and 11:

- Benefits in kind (medical care) shall be provided by the institution of the new State of residence or the State of temporary residence of the worker, in accordance with the provisions of the legislation applicable in that State with regard to the extent of such benefits and the manner of providing them;
- Cash benefits (daily allowances) shall be paid directly by the institution of the State in which the worker is insured.

*Article 13. COST OF BENEFITS*

In the cases specified in articles 9, 10 and 11, the cost of benefits shall be borne by the institution with which the worker is insured. The Administrative Agreement shall determine the manner in which benefits in kind shall be reimbursed by the insuring institution to the institution of the new State of residence or the State of temporary residence of the worker.

*Article 14. BENEFITS FOR MEMBERS OF THE FAMILY*

1. Family members of a French or Malian wage-earner who are resident, or again become resident, in France or in Mali, while the worker engages in employment in the other State, shall be entitled to benefits in kind in respect of sickness and maternity.

Family members accompanying the worker during a temporary stay in his country of origin on paid annual leave shall also be entitled to this benefit.

2. 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 legislation of the State in which the family is resident.

3. Benefits shall be provided by the institution of the State in which the family is resident.

4. The cost of these benefits shall be borne by the social security scheme of the State in which the worker is insured, which shall reimburse to the social security scheme of the State in which the family is resident seventy-five per cent of the expenses involved in the manner determined in the administrative agreement.

*Article 15*

The competent French and Malian authorities may, for purposes of simplification, decide by agreement that all or some of the expenses referred to in articles 9, 10, 11 and 14 shall not be subject to any reimbursement between the institutions of the two States.

*Article 16. BENEFITS FOR WORKERS ON ASSIGNMENT*

1. The French or Malian workers referred to in article 5, paragraph 2 (a), 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 State in which they are employed.

2. Benefits in kind shall be provided either by the institution of the State in which the worker is temporarily resident or directly by the institution with which he is insured, the choice being left to the worker.

3. Cash benefits shall be paid directly to the workers on assignment by the institution with which they are insured.

*Article 17. MAJOR BENEFITS IN KIND*

The provision of prosthetic devices, large appliances and other major benefits in kind, a list of which will be 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. BENEFITS IN RESPECT OF OLD AGE AND DEATH  
(SURVIVORS' PENSIONS)

*Article 18. RIGHT OF OPTION*

1. French or Malian wage-earners who during their working lives have been insured successively or alternately in the territory of both Contracting States with one or more insurance schemes in each of these States may, when they

become entitled to old age benefits, opt to have the legislation of each of the Contracting States applied jointly or separately.

2. If death, creating an entitlement to the award of a survivors' pension, occurs before the worker's entitlement in respect of old age benefits has been determined, his dependants may exercise the option referred to in paragraph 1 of this article.

#### Article 19. DETERMINATION OF BENEFITS BY AGGREGATION OF PERIODS

If the worker opts to have the legislation of the two countries applied jointly, the benefits which he may claim under the legislation of both countries shall be determined in accordance with the following rules:

##### I. Aggregation of insurance periods

1. Insurance periods completed under the legislation of each of the Contracting States 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 State, be those recognized as such under the legislation of that State. The rules to be followed in the event that periods overlap shall be determined in the administrative agreement.

3. If the legislation of one of the Contracting Parties makes it a condition for entitlement to an old-age benefit that the insurance periods shall have been completed within a certain period of time, that condition shall be deemed to be satisfied if the insurance periods completed under the legislation of the other Contracting Party were completed within the same period of time.

##### II. Determination of benefits

1. Taking into account the aggregation of periods specified above, the competent institution of each State 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 State shall determine *pro forma* the benefit to which the insured would be entitled if all the insurance periods or periods recognized as equivalent, aggregated according to the rules set forth in article 19 (I), had been completed exclusively under its own legislation.

3. The benefit actually payable to the person concerned by the competent institution of each State 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 bears to all periods completed in the two States.

4. If the entitlement to a pension exists by virtue of periods completed under the legislation of only one of the two States and the benefit thus determined is higher than that resulting from the procedure described in the preceding paragraphs, only the higher benefit under this legislation shall be taken into account.



*Article 20. 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, where applicable, in the same 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.

*Article 21. SEPARATE DETERMINATION OF BENEFITS*

If the legislation of either Contracting Party provides that the amount of benefits or of certain elements thereof shall be calculated according to the proportion which the duration of the insurance periods completed bears to the maximum duration of insurance periods, the competent institution of that Party shall calculate these benefits or elements thereof directly on the basis of only the periods completed under the legislation which it applies, notwithstanding the provisions of article 19.

*Article 22. MINIMUM DURATION OF INSURANCE PERIODS  
FOR THE APPLICATION OF THIS CHAPTER*

1. If the insurance periods completed under French legislation amount to less than one year, the French Party shall be obliged to make a separate award of benefits payable in respect of such periods.

These periods may, however, be taken into account for the purpose of the acquisition of entitlement to benefits by aggregation under Malian legislation, within the terms of article 19 above, unless this would result in a reduction of the benefit payable under Malian legislation.

2. If the insurance periods completed under Malian legislation amount to less than one year, no benefit shall be payable under that legislation.

*Article 23. SUCCESSIVE APPLICATION OF LEGISLATION*

1. If the person concerned does not, at a given moment, meet the requirements imposed by the legislation of the two Contracting Parties but those of only one Party, the following provisions shall apply:

- (a) The amount of the benefits payable under the last-mentioned legislation shall be calculated in accordance with the provisions of article 19 or article 21, as the case may be.
- (b) If the person concerned meets the requirements imposed by only one legislation without there being any need to apply the provisions of article 19, the amount of the benefit payable shall be calculated in accordance with the provisions of only the legislation whose requirements are met, taking into account only the periods completed under that legislation.

2. If the requirements imposed by the legislation of the other Contracting Party are met, the benefits payable to the insured shall be revised under the terms of articles 18 and 19, unless the provisions of article 21 or 29 have been applied.

#### Article 24. SURVIVORS' BENEFITS

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

2. If, according to his civil 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 Mali at the time when the reversionary benefit is determined, the benefit shall be paid to the Malian liaison office, which shall apportion it according to the civil status of those concerned.

The payment shall be final from the standpoint of the liable French institution.

(b) If the residence requirement referred to in paragraph (a) is not met, the benefit shall be apportioned equally among the eligible wives.

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.

#### Article 25. WAIVER OF RESIDENCE CLAUSES

1. If, for the purpose of granting benefits based on contributions or the completion of certain formalities, the legislation of one of the Contracting States imposes conditions of residence in the territory of that State, those conditions shall not apply to Malian or French citizens so long as they are resident in the territory of either Contracting State.

2. However, with respect to old-age benefits:

(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 the French mines even though they are eligible for a pension under the mineworkers' scheme;

(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, provided that the children are resident in the territory of France.

#### Article 26. EXPORT OF BENEFITS

If the nationals of either State are entitled to a benefit payable by the social security institutions of the other State and are resident in a third State, they shall receive their benefits on the same conditions as nationals of the other State.

#### Article 27. CALCULATION OF BENEFITS

If under the legislation of one of the two States the 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 payable by the institutions of that State shall be determined on the basis of the wages recorded during the insurance period completed under the legislation of that State.

#### *Article 28. REVIEW OF ENTITLEMENTS*

1. Persons who became eligible for benefits prior to this Convention may request a review of their entitlements.

2. The review shall be carried out in accordance with the rules laid down in articles 19 to 27 above. If the requests are submitted within two years from the date of the entry into force of the Convention, the review shall take effect from that date. There shall, however, be no review if the entitlements previously awarded have been the subject of a lump-sum payment.

#### *Article 29. SPECIAL PROVISIONS*

Notwithstanding the provisions of this chapter, workers from either State who return to their country of origin without meeting the requirements for receiving an old age pension may request the invalidation of that insurance period with regard to the said scheme.

The insured person's request shall be accompanied by a formal renunciation of any and all entitlements under the legislation of the State in which the invalidated insurance period was completed.

#### *Article 30*

The conditions for applying article 29 and the amount of contributions to be transferred shall be laid down in an administrative agreement.

#### *Article 31*

The provisions of articles 29 and 30 shall not apply to seamen.

### Chapter 3. INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

#### *Article 32. WAIVER OF RESIDENCE CLAUSES*

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

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

#### *Article 33. TRANSFER OF RESIDENCE*

1. A French wage-earner who has sustained an industrial accident or contracted an occupational disease in Mali, or a Malian wage-earner who has sustained an industrial accident or contracted an occupational disease in France, and who is entitled to 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 Party.

2. The worker shall, before transferring his residence, obtain the authorization of the insuring institution, which shall duly consider the reasons for the transfer. Such authorization shall be extended up to the anticipated date of recovery or healing of the injury.

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

#### *Article 34. RELAPSE*

If, following an accident or occupational disease, a French or Malian wage-earner suffers a relapse after transferring his residence to the other State, he shall be entitled to industrial accident insurance benefits in kind and in cash, provided that he has obtained, except in emergencies, the agreement of the Malian or French institution with which he was insured at the time of the accident or of the original diagnosis of the occupational disease.

#### *Article 35. PROVISION OF TEMPORARY DISABILITY BENEFITS*

1. Benefits in kind (medical care) under articles 33 and 34 shall be provided by the institution in the new State of residence of the person concerned in accordance with the provisions of the legislation applied by that institution with regard to the extent of such benefits and the manner in which they are provided.

2. Cash benefits under articles 33 and 34 shall be provided by the institution with which the person concerned is insured, in accordance with the legislation applied by that institution.

#### *Article 36. COST OF TEMPORARY DISABILITY BENEFITS*

1. The cost of the benefits referred to in articles 33 and 34 shall be borne by the institution with which the person concerned is insured.

2. The manner in which benefits in kind are to be reimbursed by the insuring institution to the institution of the new State of residence of the person concerned shall be determined by the administrative agreement.

#### *Article 37. MAJOR BENEFITS IN KIND*

In the cases specified in articles 33 and 34, the provision of prosthetic devices, large appliances and other major benefits in kind, a list of which will be annexed to the administrative agreement, shall be subject, except in emergencies, to prior authorization by the insuring institution.

#### *Article 38. AGRICULTURAL ACCIDENTS OCCURRING IN FRANCE*

The provisions of articles 33, 34, 35, 36 and 37 above shall apply to persons who sustained an agricultural accident in France after 1 July 1973 and who transfer their residence to Mali.

If the agricultural accident occurred in France prior to 1 July 1973, however, the benefits in cash and in kind shall be provided directly by the responsible employer or his insurer.

*Article 39. SUCCESSIVE ACCIDENTS*

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

*Article 40. PENSIONS FOR SURVIVING SPOUSES*

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

*Article 41. 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 exclusively under the legislation of the Party in whose territory he was last engaged in the occupation in question, provided that he satisfies the conditions laid down in that legislation.

2. If the legislation of one of the Parties makes it a condition for the award of occupational disease benefits that the disease shall have been diagnosed for the first time in the 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 the disease in question shall have been carried on for a certain length of time, the competent institution of that Party shall take into account, to the extent necessary, periods during which such an activity was carried on in the territory of the other Party;
- (b) The cost of benefits shall be apportioned between the competent institutions of the two Parties in the manner specified by administrative agreement.

*Article 42. 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 state of residence in an occupation which could have caused that occupational disease, the institution of the first state shall bear the cost of the worsening of the disease under the terms of its own legislation;
- (b) If the worker has engaged in the territory of his new state 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 after the worsening of the disease and the amount of the benefit payable before the worsening occurred.

#### Chapter 4. FAMILY ALLOWANCES

##### *Article 43. AGGREGATION OF PERIODS OF EMPLOYMENT*

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

##### *Article 44. ENTITLEMENT TO FAMILY ALLOWANCES FROM THE COUNTRY OF RESIDENCE OF THE CHILDREN*

1. Wage-earners working in France or Mali 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 of residence of the children if they fulfill the occupational requirements laid down in the legislation of the State of employment relating to family allowances.

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

##### *Article 45. ELIGIBLE CHILDREN*

Children eligible for the family allowances referred to in article 44 shall be the worker's dependent children within the meaning of the legislation of their State of residence.

##### *Article 46. PAYMENT OF FAMILY ALLOWANCES*

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

##### *Article 47. PARTICIPATION OF THE COUNTRY OF EMPLOYMENT*

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

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

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

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

#### *Article 48. WORKERS ON ASSIGNMENT*

1. The children of workers referred to in article 5, paragraph 2 (a) who accompany such workers to the other State, shall be entitled to the family allowances provided for under the legislation of the State of origin, as specified in the administrative agreement.

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

### PART III. MISCELLANEOUS PROVISIONS

#### Chapter 1. MEASURES FOR THE IMPLEMENTATION OF THE CONVENTION

##### *Article 49. DEFINITION OF THE 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 3 shall be deemed to be the competent administrative authorities for the purposes of this Convention.

##### *Article 50. GENERAL ADMINISTRATIVE AGREEMENT*

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

2. In particular, the general administrative agreement shall:

- (a) Designate the liaison bodies of the two States;
- (b) Regulate such arrangements for medical and administrative supervision and expert services as are required for the implementation both of this Convention and of the social security legislation of the two States;
- (c) Determine the financial arrangements for the implementation of this Convention.

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

##### *Article 51. INFORMATION AND MUTUAL ADMINISTRATIVE ASSISTANCE*

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

- (a) Adopt, in addition to the general administrative agreement referred to in article 50, all administrative agreements supplementing or amending it;
- (b) Communicate directly to each other any information regarding measures taken in their respective countries to implement this Convention and the agreements thereunder;
- (c) Report to each other any difficulties which may arise, at the technical level, from the implementation of the provisions of this Convention or of the agreements thereunder;

(d) Communicate directly to each other any information regarding amendments to the legislation and regulations referred to in article 3, in so far as they might affect the implementation of this Convention or of the agreement adopted for its implementation.

2. 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.

## Chapter 2. PROVISIONS DEROGATING FROM DOMESTIC LEGISLATION

### *Article 52. EXEMPTIONS FROM FEES AND WAIVER OF LEGALIZATION*

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. Legalization by consular authorities shall be waived in respect of all certificates, documents and papers required to be produced for the purposes of this Convention.

### *Article 53. 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.

### *Article 54. APPEALS*

1. 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.

2. 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 49 above.

### *Article 55. RECOVERY OF CONTRIBUTIONS*

Contributions and penalties due to an institution of one of the Contracting Parties may be recovered in the territory of the other Party, in accordance with all procedures and subject to the guarantees and privileges applicable to the recovery of contributions and penalties due to the institution of the latter Party.

### *Article 56. THIRD-PARTY LIABILITY*

If a person is receiving benefits under the legislation of one Contracting Party for an injury caused or sustained in the territory of the other Contracting



Party, the rights of the institution liable for the payment of such benefits *vis-à-vis* the third party liable for compensation for the injury shall be regulated as follows:

- (a) When, under the legislation applied by the institution liable for payment, all or some of the rights of the beneficiary *vis-à-vis* the third party are delegated to it, the other Contracting Party shall recognize such delegation;
- (b) When the institution liable for payment has a direct right *vis-à-vis* the third party, the other Contracting Party shall recognize such right.

*Article 57. PARTICIPATION IN THE OPERATION OF INSTITUTIONS*

There shall be no derogation from the rules laid down by the legislation listed in article 3 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 State.

Chapter 3. TRANSFERS

*Article 58. FREEDOM TO TRANSFER SOCIAL SECURITY FUNDS*

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 connection with social security or social welfare transactions in implementation of either this Convention or the domestic legislation of either State concerning wage-earners as well as self-employed persons, including payments under voluntary insurance and supplementary retirement schemes.

*Article 59. CURRENCY AND EXCHANGE RATES*

1. The institutions liable under this Convention for the payment of benefits shall be deemed to discharge their liability validity by payment in the currency of their State.
2. Reimbursements provided for under this Convention, calculated on the basis of actual expenditure or on a flat-rate basis, shall be expressed in the currency of the State of the institution which provided the benefit, at the rate of exchange prevailing on the day of settlement.

*Article 60. 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 banks of issue of the two Parties.

Chapter 4. SETTLEMENT OF DISPUTES

*Article 61*

1. Any difficulties relating to the implementation of this Convention shall be settled by 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 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 agreement between the two Governments.

#### PART IV. FINAL PROVISIONS

##### *Article 62*

1. This Convention shall abrogate and supersede the General Convention on social security between the Government of the French Republic and the Government of the Republic of Mali dated 11 March 1965 and the three protocols signed on the same date. Persons covered by the aforementioned instruments shall suffer no injury as a result of their abrogation and shall, as a matter of course, be entitled *de plano* to the benefits provided for under this Convention.

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

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

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

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

DONE at Paris on 12 June 1979 in duplicate, both texts being equally authentic.

For the Government  
of the French Republic:

[OLIVIER STIRN]

For the Government  
of the Republic of Mali:

[THIERNE DIARRA]

#### PROTOCOL No. 1 CONCERNING THE SOCIAL INSURANCE SCHEME FOR STUDENTS

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

Desiring to co-operate in the cultural field and to ensure in the social field protection of the nationals of each State pursuing their studies in the territory of the other,

Have decided to adopt the following measures:

*Article 1.* The French social insurance scheme for students established in the Social Security Code, Book VI, part I, shall apply, on the same terms as to French students, to Malian students studying in France who are not covered in that State by social insurance and are not dependants of persons having such coverage.

*Article 2.* The two Governments undertake to ensure equal treatment with respect to social security for Malian and French students in the territory of each of the two States.

*Article 3.* The Government of each Contracting Party shall notify the other of the completion of the constitutional formalities required for the entry into force of this protocol. This protocol shall enter into force on the first day of the second month following the date of the later of such notifications.

*Article 4.* This protocol shall remain in force for a period of two years from the date of its entry into force. It shall be renewed by tacit agreement for periods of one year unless notice of denunciation is given three months prior to the expiry of any such period.

In the event of denunciation, the provisions of this protocol shall continue to apply to acquired rights, notwithstanding any restrictive provisions in the schemes concerned.

DONE at Paris on 12 June 1979 in duplicate, both texts being equally authentic.

For the Government  
of the French Republic:  
[OLIVIER STIRN]

For the Government  
of the Republic of Mali:  
[THIERNE DIARRA]

## PROTOCOL No. 2 CONCERNING THE GRANTING OF NON-CONTRIBUTORY OLD AGE BENEFITS UNDER FRENCH LEGISLATION TO MALIAN NATIONALS RESIDENT IN FRANCE

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

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

Considering that the Malian retirement scheme provides for an allowance of solidarity that may be awarded to wage-earners who have never contributed, and that French nationals in Mali may not be excluded from enjoying this benefit on account of their nationality,

Have agreed to adopt the following provisions:

*Article 1.* Malian wage-earners resident in France shall be awarded the old age benefit for wage-earners on the same conditions as French wage-earners.

*Article 2.* Malian nationals resident in France who have engaged in France as self-employed persons in an occupation which is covered by the old age benefit scheme provided for in the Social Security Code, book VIII, part I, and who have not contributed to that scheme shall be entitled to the non-contributory old age benefit for self-employed persons on the same conditions as French nationals.

*Article 3.* Malian nationals in France shall be entitled to the special allowance provided for in the Social Security Code, book VIII, part II, on the same conditions, including conditions as to means, as French nationals.

*Article 4.* 1. Malian nationals who are receiving an old-age or disability benefit under the French scheme as provided for in the legislation referred to in article 3, paragraph 1, of the General Convention on Social Security, an old age benefit under a contributory scheme for self-employed persons, the old-age benefit for wage-earners, the non-contributory old age benefit for self-employed persons, or the special allowance, shall be entitled to the supplementary allowance on the same conditions, including as to means, as French nationals.

2. For purposes of applying the means clauses provided for in French legislation, the competent Malian authorities shall assist the French bodies and authorities responsible for paying the supplementary allowance with a view to:

- (a) Finding any resources to which applicants may be entitled in Mali, including benefits under the Malian social security scheme, and to that end making any necessary inquiries or investigations concerning the relevant provisions of Malian social security legislation;
- (b) Evaluating the assets owned by applicants in Mali.

Requests submitted for this purpose by the French bodies and authorities responsible for payment shall be addressed to a body designated by the Malian Government.

*Article 5.* With the exception of the benefit referred to in article 1, the other benefits referred to in articles 2, 3 and 4 shall be discontinued if the beneficiaries leave the territory of France.

*Article 6.* The Government of each Contracting Party shall notify the other of the completion of the constitutional procedures required, in so far as it is concerned, for the entry into force of this Protocol. The Protocol shall enter into force on the first day of the second month following the date of the later of such notifications.

*Article 7.* This protocol shall remain in force for a period of two years from the date of its entry into force. It shall be renewed by tacit agreement for periods of one year unless notice of denunciation is given three months before the expiry of any such period.

In the event of denunciation, the provisions of this protocol shall continue to apply to acquired rights, notwithstanding any restrictive provisions in the relevant schemes concerning an insured person who is resident abroad.

DONE at Paris on 12 June 1979 in duplicate, both texts being equally authentic.

For the Government  
of the French Republic  
[OLIVIER STIRN]

For the Government  
of the Republic of Mali:  
[THIERNE DIARRA]