

**No. 22409**

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**FRANCE  
and  
CAPE VERDE**

**General Convention on social security (with general protocol). Signed at Paris on 15 January 1980**

*Authentic texts: French and Portuguese.*

*Registered by France on 26 October 1983.*

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**FRANCE  
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CAP-VERT**

**Convention générale sur la sécurité sociale (avec protocole général). Signée à Paris le 15 janvier 1980**

*Textes authentiques : français et portugais.*

*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 CAPE VERDE

The Government of the French Republic, on the one hand,  
The Government of the Republic of Cape Verde, on the other hand,  
Desiring to co-operate in the social field,

Affirming their commitment to the principle that nationals of both States should receive equal treatment under the social security legislation of each of them,

Anxious to enable workers of either State engaged or formerly engaged in an activity in the other State to preserve the rights acquired under the legislation applicable in that other State,

Have decided to conclude a General Convention on social security to coordinate the application of French and Cape Verdean social security legislation to French and Cape Verdean nationals and, to that end, have agreed on the following provisions:

## PART I. GENERAL PROVISIONS

*Article 1. EQUAL TREATMENT*

1. French nationals engaged in Cape Verde 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 Cape Verde, and they and their eligible dependants residing in Cape Verde shall enjoy the benefits thereof on the same conditions as Cape Verdean nationals.

2. Cape Verdean 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 5 below applicable in France, and they and their eligible dependants residing in France shall enjoy the benefits thereof on the same conditions as French nationals.

*Article 2. 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 1 shall not prevent French workers who are subject to the Cape Verdean social security scheme and Cape Verdean workers who are subject to the French social security scheme from contributing or con-

<sup>1</sup> Came into force on 1 April 1983, i.e., the first day of the second month following the date of the last of the notifications by which the Contracting Parties informed each other (on 18 February 1981 and 17 February 1983) of the completion of the required constitutional procedures, in accordance with article 67.

tinuing to contribute to the voluntary insurance scheme provided for under the legislation of the State of which they are nationals.

### *Article 3. 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 4. TERRITORIAL SCOPE*

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

- In the case of France: the European and overseas departments of the French Republic, including territorial waters and any area outside the territorial waters which is, under international law, an area over which France may exercise rights with respect to the seabed and subsoil and their natural resources;
- In the case of Cape Verde: the group of islands forming the territory of the Republic of Cape Verde, including the territorial waters and any area outside the territorial waters which is, under international law, an area over which Cape Verde may exercise rights with respect to the seabed and subsoil and their natural resources.

### *Article 5. MATERIAL SCOPE*

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

#### *A. In France*

- (a) The legislation relating to the organization of social security;
- (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 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;
- (f) The legislation relating to the scheme for seamen, on the conditions determined, when appropriate, by the administrative agreement relating to the implementation of this Convention.

## B. *In Cape Verde*

The legislation relating to:

- (a) Industrial accidents and occupational diseases;
- (b) Sickness benefits;
- (c) Disability, old-age and death benefits;
- (d) Family allowances.

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, codified or supplemented.

However, it shall apply to:

- (a) Laws or regulations covering a new branch of social security only if the Contracting Parties have concluded an agreement to that effect;
- (b) 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 benefits of the social security scheme for students provided for under the legislation of one of the Parties may be extended to nationals of the other Party shall be the subject of a protocol to be annexed to this Convention.

## EXCEPTIONS

### *Article 6*

Notwithstanding the provisions of article 1 of this Convention:

- 1. The following shall not be subject to the social security scheme of the country of the place of employment, and shall remain subject to the social security scheme of the country of origin:
  - (a) Automatically, wage-earners sent by their employer to the other country 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 countries or the authorities they have designated for that purpose, wage-earners sent by their employer to the other country 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.
- 2. Wage-earners other than those referred to in article 3 (para. 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 continue to 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 (para. 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 which are, or may hereafter be stipulated in the co-operation agreements between the two countries.
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 temporarily 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.

#### *Article 7*

The competent administrative authorities of the Contracting States may, by agreement and in the interest of workers of either country, provide for other exceptions to the provisions of article 1.

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

### PART II. SPECIAL PROVISIONS

#### Chapter 1. SICKNESS AND MATERNITY BENEFITS

##### *Article 8. EQUAL RIGHTS*

Cape Verdean workers engaged in wage-earning employment in France and French workers engaged in wage-earning employment in Cape Verde, shall receive together with members of their family who accompany them, the sickness and maternity 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 9. AGGREGATION OF INSURANCE PERIODS*

1. If, for the purpose of entitlement to sickness and maternity 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.

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

A French wage-earner working in Cape Verde or a Cape Verdean wage-earner working in France who is receiving sickness benefits from a Cape

Verdean 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 Cape Verdean 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 11. TRANSFER OF RESIDENCE (MATERNITY)*

A French female wage-earner working in Cape Verde and receiving maternity benefits from a Cape Verdean 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 Cape Verdean institution with which she is insured.

A Cape Verdean female wage-earner working in France and receiving maternity benefits from a French institution shall be eligible for such benefits under the Cape Verdean scheme if she transfers her residence to the territory of Cape Verde, 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 child birth, the benefit period may be extended, upon certification and on the recommendation of the medical advisers of the insuring institution.

#### *Article 12. PAID LEAVE*

French wage-earners working in Cape Verde or Cape Verdean wage-earners working in France shall be eligible for sickness and maternity benefits if, during a temporary stay in their respective countries of origin while on paid annual leave, their condition necessitates medical care, including hospitalization, provided that the Cape Verdean or French 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.

In cases of exceptionally serious illness, however, as specified in the administrative agreement, the insuring institution shall allow benefits to be continued beyond the six-month period referred to above, on the conditions determined by the said agreement.

#### *Article 13. PROVISION OF BENEFITS*

In the cases specified in articles 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;

—Cash benefits (daily allowances) shall be paid by the institution of the country in which the worker is insured.

#### *Article 14. COST OF BENEFITS*

In the cases specified in articles 10, 11 and 12, 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 country of residence or the country of temporary residence of the worker.

#### *Article 15. FAMILY BENEFITS*

Family members of a French or Cape Verdean wage-earners who are resident, or again become resident, in France or in Cape Verde, while the wage-earner engages in employment in the other country, shall be entitled to sickness or maternity benefits in kind.

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

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 is resident.

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

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 to be determined in the administrative agreement.

#### *Article 16. BENEFITS FOR WORKERS ON ASSIGNMENT*

The French or Cape Verdean workers referred to in article 6 (para. 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 Cape Verdean institution with which the workers concerned are insured.

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

#### *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 II. DISABILITY INSURANCE

### *Article 18. WAIVER OF RESIDENCE CLAUSES*

Nationals of either Contracting Party in receipt of a disability pension under the legislation of one Party shall be entitled to the full benefit of such pension when residing temporarily or permanently in the territory of the other Party.

### *Article 19. AGGREGATION OF INSURANCE PERIODS*

In the case of wage-earners who go from one country to the other, insurance periods or equivalent periods completed under the social security scheme of the first country shall, provided that they do not overlap with insurance periods or equivalent periods completed under the scheme of the other country, be aggregated both for the purpose of determining entitlement to disability or recovering that entitlement.

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

The disability pension shall be calculated in accordance with the legislation applicable to the person concerned 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.

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 condition of the insured person justifies the granting of a further disability pension, the latter shall be calculated in accordance with the rules laid down in article 20.

### *Article 22. CONVERSION INTO 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 countries 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 countries 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 23. SPECIAL LEGISLATION RELATING TO MINeworkERS IN FRANCE*

The provisions of this chapter shall apply to workers who have been employed in the mines in France and Cape Verde for the purpose of determining entitlement to disability benefits provided for under the French social security scheme for mineworkers and for the maintenance or recovery of such entitlement.



However, the occupational disability pension provided for under the special legislation for French mineworkers shall be granted only to insured persons who were covered by that legislation at the time they had to stop working and became disabled and who have lived in France up to the time of determination of said pension.

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

### Chapter III. BENEFITS IN RESPECT OF OLD-AGE AND DEATH (SURVIVORS' PENSIONS)

#### *Article 24. WAIVER OF RESIDENCE CLAUSES*

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 Cape Verdean or French nationals so long as they are resident in the territory of either State.

#### *Article 25. METHODS OF DETERMINING OLD-AGE BENEFITS*

French or Cape Verdean 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, shall receive old-age benefits on the following conditions:

- I. If the person concerned meets the conditions required by the legislation of each of those States in order to qualify for benefits, the competent institution of each Contracting Party shall determine the amount of the benefits 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 the condition concerning length of insurance required by the legislation of each Party, the benefits which he may claim from the institutions applying such laws 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 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 country, be those recognized as such under the legislation of that country. The rules to be followed in the event that periods overlap shall be determined in the administrative agreement.
  - B. *Determination 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, aggregated according to the rules set forth in paragraph II.A of this article, 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 prorating 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 entitlement exists under the legislation of only one of the two States, taking into account only the periods completed under this legislation, the competent institution of this State shall determine the amount of the benefit as stipulated in paragraph I of this article.

The competent institution of the other Party shall determine the benefits for which it is liable as stipulated in paragraph II.

#### *Article 26. MINIMUM DURATION OF INSURANCE*

1. If the total duration of the 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 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 granting of entitlement by aggregation under the legislation of the other Contracting Party.

#### *Article 27. 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.

3. Notwithstanding the provisions of article 24:

- (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 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 relating to mineworkers shall be paid in accordance with the conditions laid down in that legislation.

#### Article 28. SUCCESSIVE APPLICATION OF LEGISLATION

1. If the person concerned does not, at a given moment, meet the requirements imposed by the legislation of both Contracting Parties but only those of one Party, or if he meets the requirements of both Parties but has availed himself of the opportunity provided by the legislation of one Contracting State to defer determination of his entitlement, the amount of the benefits payable under the legislation under which entitlement exists shall be calculated in accordance with the provisions of article 25, paragraph I or II, as appropriate.

2. If the requirements imposed by the legislation of the other Contracting Party are met or if the insured requests the determination of his entitlement which he had deferred under the legislation of one of the Contracting States, the benefits payable under this legislation shall be determined as stipulated in article 25, without there being need to review the benefits already determined under the legislation of the first Party.

#### Article 29. SURVIVORS' BENEFITS

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

2. If death creating entitlement to a survivor's 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 25.

#### Article 30. BASIS FOR THE CALCULATION OF BENEFITS

If, under the legislation of one of the Contracting States, the old-age 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 State.

### Chapter IV. INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

#### Article 31. 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 32. TRANSFER OF RESIDENCE*

A French wage-earner who has sustained an industrial accident or contracted an occupational disease in Cape Verde, or a Cape Verdean 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 Cape Verdean 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 advisors, be extended until he has recovered or until the injury has properly healed.

*Article 33. RELAPSE*

1. If, following an accident or occupational disease a French or Cape Verdean wage-earner suffers a relapse after transferring his residence temporarily or permanently to the territory of the other State, he shall be entitled to industrial accident insurance benefits in kind and in cash, provided that he has obtained the authorization of the Cape Verdean 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 Cape Verdean 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 34. PROVISION OF TEMPORARY DISABILITY BENEFITS*

In the cases referred to in articles 32 and 33:

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

*Article 35. COST OF TEMPORARY DISABILITY BENEFITS*

In the cases specified in articles 32 and 33, the cost of the 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 country of residence of the worker.

*Article 36. MAJOR BENEFITS IN KIND*

In the cases specified in articles 32 and 33, 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 37. DESIGNATION OF THE CAPE VERDEAN INSTITUTION*

For the purpose of implementing articles 32 through 36, the administrative agreement shall designate the Cape Verdean institution which shall act as the insuring institution referred to in said articles.

*Article 38. 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 had been sustained or contracted under the legislation of the first-mentioned Party.

*Article 39. 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 on 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 shall have been 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 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, the periods during which such activity was carried on in the territory of the other Party;
- (b) The cost of pensions shall be apportioned between the competent institutions of the two Parties in the manner specified in the administrative agreement.

*Article 40. 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 resultant costs 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 before the worsening of the disease and the amount payable after it.

## Chapter V. FAMILY ALLOWANCES

### *Article 41. AGGREGATION OF PERIODS OF EMPLOYMENT*

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

### *Article 42. ENTITLEMENT TO FAMILY ALLOWANCES FROM THE COUNTRY OF RESIDENCE OF THE CHILDREN*

Wage-earners working in France or in Cape Verde 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 reside if they fulfil the occupational requirements in the country of employment, as laid down in the administrative agreement.

### *Article 43. ELIGIBLE CHILDREN*

Children eligible for the family allowances referred to in article 42 shall be the worker's dependent children within the meaning of the legislation of the State in whose territory they reside.

### *Article 44. PAYMENT OF FAMILY ALLOWANCES*

Family allowances shall be paid by the competent institution of the State in whose territory the children reside, in the manner provided for under the legislation applied by said institution.

### *Article 45. PARTICIPATION OF THE COUNTRY OF EMPLOYMENT*

1. The competent institution of the State in whose territory the worker is employed shall pay to the central institution of the State of residence of the children a lump-sum 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 States during the same year. Such revision may take place only once a year.

*Article 46. MANNER OF PAYMENT OF THE CONTRIBUTION*

The conditions for the application of article 45, including the manner of payment of the contribution, shall be determined by administrative agreement.

*Article 47. WORKERS ON ASSIGNMENT*

1. The workers referred to in article 6 (paragraph 1 (a)) shall be entitled, in respect of their children accompanying them to the territory of the other State, 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.

*Chapter VI. DEATH BENEFITS**Article 48. ENTITLEMENT*

French wage-earners in Cape Verde and Cape Verdean wage-earners in France shall be entitled to benefits provided for under the legislation of the country of employment in respect of death 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 49. AGGREGATION OF INSURANCE PERIODS*

If, for the purpose of entitlement to the benefits in question, a worker, at the time of his death, has not completed the insurance period required under the legislation of the new country of employment, insurance periods or equivalent periods previously completed in the other country shall be added to the insurance periods or equivalent periods completed in the new country of employment.

*Article 50. SPECIAL CASES*

In the cases referred to in articles 10, 11 and 12, if the death occurs in the country in which the worker is temporarily resident, it shall be considered to have occurred in the country of employment.

*PART III. MISCELLANEOUS PROVISIONS**Chapter 1. MEASURES FOR THE IMPLEMENTATION OF THE CONVENTION**Article 51. ADMINISTRATIVE AGREEMENTS*

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

The said agreement shall designate the liaison bodies of the two Contracting Parties.

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

*Article 52. 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 53. INFORMATION*

The competent administrative authorities of the two Contracting Parties shall:

- Adopt, in addition to the general administrative agreement referred to in article 51, all administrative agreements supplementing or amending it;
- Communicate directly to each other any information regarding measures taken in their respective countries to implement this Convention and the agreements thereunder;
- Report to each other any difficulties which may arise at the technical level from the implementation of the provisions of the Convention or the agreements thereunder;
- 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 54. MUTUAL ADMINISTRATIVE ASSISTANCE*

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

*Article 55. 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 56. FUNCTIONING OF INSTITUTIONS*

There shall be no derogation from the rules laid down by the legislation specified 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 country.

**Chapter II. PROVISIONS DEROGATING FROM DOMESTIC LEGISLATION***Article 57. EXEMPTION FROM FEES AND WAIVER OF LEGALIZATION*

1. Any exemption 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 purpose 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 58. 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.

#### *Article 59. OFFICIAL LANGUAGES*

Communications concerning the implementation of this Convention from persons covered by this Convention or from the authorities, institutions or courts of the other State shall be written in the official language of either State.

#### *Article 60. 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 III. TRANSFERS

#### *Article 61. 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 Party concerning wage-earners and persons treated as such as well as self-employed persons, including payments under voluntary insurance and supplementary retirement schemes.

#### *Article 62. CURRENCY AND EXCHANGE RATES*

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 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 63. 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 IV. SETTLEMENT OF DISPUTES

### *Article 64*

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.

## Chapter V. TRANSITIONAL AND FINAL PROVISIONS

### *Article 65*

1. This Convention shall create no entitlement to the payment of benefits for a period prior to the date of its entry into force.

2. Benefits which, prior to the entry into force of this Convention, had not been awarded or had been awarded separately, or which had been reduced or suspended by reason of the nationality or residence of the recipients in implementation of the provisions in force in each of the Contracting States, may be awarded, reviewed or restored under the terms of this Convention.

The award or review shall be carried out in accordance with the rules laid down in this agreement, subject to any insurance period completed under the legislation of one Contracting Party before the entry into force of this Convention being taken into consideration in determining entitlements under the provisions of this Convention.

3. There shall, however, be no review if the entitlements previously awarded have been the subject of a lump-sum payment.

### *Article 66*

1. The benefits in question shall be awarded or reviewed on the application of the persons concerned.

The application shall be submitted to the competent institutions of either Contracting Party.

It shall take effect from the first day of the month following that in which the application was submitted.

2. If the application is submitted within one year from the date of entry into force of the Convention, it shall take effect retroactively from that date.

### *Article 67*

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

### *Article 68*

This Convention shall remain in force for a period of one year 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 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 15 January 1980, in duplicate in the French and Portuguese languages, both texts being equally authentic.

For the Government  
of the French Republic:

[Signed]

JEAN MEADMORE  
Director of the Office  
for French Nationals Abroad

For the Government  
of the Republic of Cape Verde:

[Signed]

CORSINO ANTONIO FORTES  
Ambassador Extraordinary  
and Plenipotentiary

### GENERAL PROTOCOL

At the time of signing the General Convention on social security between the French Republic and the Republic of Cape Verde dated today, the Contracting Parties, desiring to co-operate more closely in the cultural and social realms, agree on the following provisions:

#### 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 Cape Verdean students pursuing their studies in France who neither have social insurance coverage nor are dependants of persons having such coverage in France.

2. The Government of the Republic of Cape Verde undertakes with respect to social security matters, to ensure equality of treatment for Cape Verdean and French students in the territory of the Republic of Cape Verde.

#### II. OLD AGE BENEFITS FOR WAGE-EARNERS

1. The old age benefit for wage-earners provided under the Social Security Code, book VII, title 1, shall be granted to Cape Verdean wage-earners resident in France on the same conditions as it is granted to French wage-earners.

2. The old age benefit for wage-earners provided on the conditions specified in paragraph 1 shall continue to be provided to beneficiaries of Cape Verdean nationality who return to reside in the territory of the Republic of Cape Verde.

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

DONE at Paris on 15 January 1980, in duplicate in the French and Portuguese languages, both texts being equally authentic.

For the Government  
of the French Republic:

[Signed]

JEAN MEADMORE  
Director of the Office  
for French Nationals Abroad

For the Government  
of the Republic of Cape Verde:

[Signed]

CORSINO ANTONIO FORTES  
Ambassador Extraordinary  
and Plenipotentiary