

No. 22837

**FRANCE
and
MONACO**

Convention on social security. Signed at Paris on 28 February 1952

Authentic text: French.

Registered by France on 1 April 1984.

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et
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Convention sur la sécurité sociale. Signée à Paris le 28 février 1952

Texte authentique : français.

Enregistrée par la France le 1^{er} avril 1984.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON SOCIAL SECURITY BETWEEN FRANCE AND THE PRINCIPALITY OF MONACO

The President of the French Republic and His Serene Highness the Prince of Monaco,

Considering that, by virtue of the geographical situation of the Principality of Monaco and of its traditional links with France, there is reason to co-ordinate the social security systems of the two countries with a view to assuring French and Monegasque nationals of the benefits of those systems,

Have resolved to conclude a Convention and, for this purpose, have appointed as their Plenipotentiaries:

The President of the French Republic: Mr. Alexandre Parodi, Ambassador of France, Secretary-General of the Ministry of Foreign Affairs;

His Serene Highness the Prince: Mr. Pierre Voizard, Minister of State of the Principality,

who, having communicated their full powers, found in good and due form, have agreed as follows:

TITLE I. GENERAL PRINCIPLES

Article 1

Paragraph 1. French or Monegasque nationals who are employed or treated as employed under the social security legislation as set out in article 2 of this Convention shall be subject respectively to the said legislation in force in the Principality of Monaco or France and shall enjoy the benefits thereof under the same conditions as nationals of each country respectively.

Paragraph 2. Monegasque nationals other than those referred to in paragraph 1 of this article shall receive family benefits in accordance with the legislation, as set out in article 2, in force in France and shall do so under the same conditions as French nationals.

Article 2

Paragraph 1. The legislative measures respecting social security covered by this Convention shall be:

(1) In France:

- (a) The legislation establishing the social security organization;
- (b) The general legislation governing the social insurance system applicable to insured persons in non-agricultural employment, and concerning insurance against sickness, invalidity, old age and death, and the coverage of maternity expenses;

¹ Came into force on 1 April 1954, i.e., the first day of the month following the exchange of the instruments of ratification, which took place at Paris on 8 and 15 March 1954, in accordance with article 44 (2).

- (c) The social insurance legislation applicable to employed persons and persons treated as employed persons in agricultural occupations and concerning the coverage of the same risks and expenses;
 - (d) The legislation concerning family benefits;
 - (e) The laws concerning the prevention of, and compensation for, industrial accidents and occupational diseases;
 - (f) Special social security schemes, in so far as they deal with the risks or benefits covered by the law referred to in the foregoing paragraphs.
- (2) In the Principality of Monaco:
- (a) The legislation establishing the social services organization;
 - (b) The legislation applicable to employed persons governing the coverage of maternity expenses and the risks of death, sickness, invalidity and old age, with the exception of the provisions concerning the standard pension;
 - (c) The legislation concerning family benefits applicable to employed persons;
 - (d) The legislation concerning the declaration of, compensation for and insurance against industrial accidents and occupational diseases;
 - (e) Special social services and pension schemes, in so far as they deal with the risks or benefits covered by the laws referred to in the foregoing paragraphs.

Paragraph 2. Notwithstanding paragraph 1 (1) (b) above, this Convention shall not apply to French Law No. 48-1473 of 23 September 1948, which extends to students certain provisions of the Decree of 19 October 1945 establishing the social insurance scheme applicable to insured persons in non-agricultural occupations, unless an administrative arrangement is concluded for that purpose.

Paragraph 3. This Convention shall also apply to any laws or regulations which have been amended or supplemented, or which may in the future amend or supplement the laws referred to in paragraph 1 of this article.

Nevertheless, this Convention shall not apply:

- (a) To laws or regulations covering a new branch of social security, unless an arrangement to that effect is concluded between the contracting countries;
- (b) To laws or regulations extending existing schemes to new classes of beneficiaries, if the other contracting Government lodges an objection with the Government of the country concerned within a period of three months after the official publication of the said laws or regulations.

Article 3

Paragraph 1. French or Monegasque employed persons or persons treated as employed persons under the laws applicable in both contracting countries, who are employed in either country, shall be subject to the laws in force at their place of employment.

Paragraph 2. The following exceptions shall be made to the principle laid down in paragraph 1 of this article:

- (a) Employed persons and persons treated as employed persons who are habitually employed in one country by an enterprise having in that country an establishment to which the persons concerned normally belong and are temporarily employed in the other country shall remain subject to the laws in force in the first country, provided that the probable duration of their employment within the territory of the sec-

ond country does not exceed six months; where, for unforeseeable reasons, this employment exceeds six months, the application of the laws in force in the first country may, as an exceptional measure, be continued with the agreement of the competent administrative authorities of the second country.

(b) In the case of enterprises or workplaces through which the common frontier of the two countries passes, the laws applicable to persons employed in these enterprises or workplaces shall, without exception, be the laws in force in the country where the enterprise has its main office.

(c) Employed persons or persons treated as employed persons who belong to public or private transport enterprises which extend from one contracting country into the other and are employed in the mobile sections (travelling personnel) of these enterprises shall be subject exclusively to the provisions in force in the country where the enterprise has its main office.

(d) Employed persons or persons treated as employed persons working in Monaco for bodies such as the French customs or postal, telegraph and telephone services or SNCF (French National Railways) shall be subject to French legislation.

(e) Sales or trade representatives working on behalf of several employers based in France and Monaco shall be subject to French legislation.

(f) French or Monegasque members of the crews of merchant or fishing vessels sailing under the Monegasque flag shall, regardless of their place of residence, be subject to French legislation.

Monegasque members of the crews of merchant or fishing vessels sailing under the French flag shall, regardless of their place of residence, be subject to French legislation.

(g) Employed persons or persons treated as employed persons working in their own domicile shall be subject to the provisions in force at the place of their domicile, regardless of the place where the employing establishment has its main office.

Paragraph 3. French or Monegasque nationals other than employed persons or persons treated as employed persons shall be subject to the French legislation concerning family benefits if they carry on an occupation in France. If they carry on no occupation, they shall be subject to the legislation concerning French family benefits if France is the place of their normal residence.

Paragraph 4. The competent administrative authorities of the Contracting States may provide, by mutual agreement, for exceptions to the rules laid down in paragraphs 1 and 3 of this article. They may also agree that the exceptions provided for in paragraph 2 shall not be applied in certain particular cases.

Article 4

The provisions of article 3, paragraph 1, shall be applicable to employed persons or persons treated as employed persons, regardless of their nationality, who are employed in the French or Monegasque diplomatic or consular services or who are in the personal employ of officers of those services.

Nevertheless:

- (1) This article shall not apply to career diplomatic and consular officers, including officials on the staff of chancelleries;
- (2) Employed persons and persons treated as employed persons who are of the nationality of the country represented by the diplomatic or consular service and who are posted temporarily in the country where they are employed may opt for

application either of the legislation of the country in which they are employed or of the legislation of their country of origin.

Article 5

French and Monegasque nationals shall not be subject to the provisions incorporated in French and Monegasque laws concerning social insurance and compensation for industrial accidents and occupational diseases which restrict the rights of foreigners or which impose loss of right by reason of their place of residence.

TITLE II. SPECIAL PROVISIONS

Chapter 1. INSURANCE AGAINST SICKNESS, MATERNITY AND DEATH

Article 6

Employed persons and persons treated as employed persons who are subject, alternately or consecutively, to the French and Monegasque social security systems shall, together with their eligible dependants receive sickness insurance benefits from the system with which they are registered, provided that:

- (1) The sickness becomes apparent after their last registration with that system;
- (2) They fulfil the eligibility requirements for benefits under that system, taking account of the insurance periods completed under both systems.

Article 7

Employed persons and persons treated as employed persons who are subject, alternately or consecutively, to the French and Monegasque social security systems shall, together with their eligible dependants, receive maternity benefits under the terms of the system to which the insured person belonged on the presumed date of conception, provided that they fulfil the eligibility requirements for benefits under that system, taking account of the registration periods completed under both systems.

Article 8

Employed persons and persons treated as employed persons who are subject, alternately or consecutively, to the French and Monegasque social security systems shall be entitled to the death benefits provided for by the system with which they are registered, provided that they fulfil the eligibility requirements for such benefits, taking account of the registration periods completed under both systems.

Article 9

In the case of French or Monegasque employed persons or persons treated as employed persons who belong to a French social security agency, the benefits provided for under French social insurance legislation may be awarded in the territory of the Principality. In such a case, the benefits in kind provided for under that legislation shall be extended to the insured persons and to their eligible dependants under the terms set forth in articles 10, 11 and 12 below.

Article 10

Treatment provided by practitioners and medical auxiliaries regularly practising in Monaco shall be reimbursed under the same terms as treatment provided in France.

The rates for fees and incidental expenses payable to practitioners and medical auxiliaries practising in Monaco in respect of treatment provided to beneficiaries who are subject to French legislation shall be those established under French social security legislation for the capital of the *département* of the Alpes-Maritimes. Reimbursements by social security agencies shall be made on the basis of those rates.

Doctors practising in Monaco and recognized as such by the Government of the Principality under the regulations in force in Monegasque territory shall be considered as qualified medical specialists for the purposes of French social security legislation.

Article 11

Treatment provided at Monegasque public establishments shall be reimbursed at the rate applicable at those establishments.

The costs of hospitalization in Monegasque private treatment and preventive health care establishments shall be reimbursed if those establishments have been approved by the Government of the Principality in accordance with Monegasque regulations. Reimbursement shall be carried out on the basis of declared costs and shall not exceed the maximum rates of the French public establishment selected by agreement between the authorities of the two countries.

Article 12

The costs of pharmaceutical products and appliances and of laboratory tests and examinations declared in the Principality of Monaco shall be fully reimbursed by the French insuring agency provided that they do not exceed the rates applied by the Caisse primaire de sécurité sociale des Alpes-Maritimes (Principal Social Security Fund) and, in the case of magistral prescriptions, that the Monegasque pharmacists apply the French national rate and, in the case of special pharmaceutical products, that such products are included in the list provided for under French legislation.

However, orthopaedic appliances or prostheses shall be reimbursable only if they are supplied under the conditions established by French legislation and if the Monegasque suppliers are approved in accordance with the regulations in force in Monegasque territory. The costs of laboratory tests and examinations shall be reimbursed only if such tests and examinations are carried out in laboratories approved in accordance with the regulations in force in Monegasque territory.

Article 13

The benefits provided for under Monegasque social services legislation may be awarded in French territory to Monegasque or French employed persons or persons treated as employed persons who are covered by a Monegasque social security agency; in such a case, the benefits in kind provided for under that legislation shall be awarded to the beneficiaries, as well as to their eligible dependants, under the terms set forth in articles 14, 15 and 16 below.

Article 14

Treatment provided by practitioners and medical auxiliaries regularly practising in France shall be reimbursed under the same terms as treatment provided in Monaco.

The rates for fees and incidental expenses payable to practitioners and medical auxiliaries by persons covered by the *Caisses de services sociaux* (Social Services Funds) shall, depending on the category under which they are registered, be those established by the Principality of Monaco.

Doctors practising in France and recognized as such under French legislation shall be considered as qualified medical specialists for the purposes of Monegasque social services legislation.

Article 15

Treatment provided at French public establishments shall be reimbursed at the rate applicable at those establishments.

The costs of hospitalization in French private treatment or preventive health care establishments shall be reimbursed if those establishments have been approved in accordance with French legislation. Reimbursement shall be based on declared costs and shall not exceed the maximum rates of the nearest similar French public establishment.

Article 16

The costs of pharmaceutical products and appliances and of laboratory tests and examinations in France shall be fully reimbursed by the Monegasque insuring agency provided that they do not exceed the rates applied by the Monegasque Funds under the terms established by French legislation.

However, the costs of orthopaedic appliances, prostheses or tests shall be reimbursed only if the suppliers of those appliances or the laboratories which carry out the tests are approved in accordance with French legislation.

Article 17

For the purposes of medical supervision of persons receiving treatment, each country's services may carry out the necessary supervision in the territory of the other country.

Article 18

The provisions of French legislation concerning disputes relating to technical supervision shall apply to treatment provided to insured persons covered by the French system in Monegasque territory, and decisions which are taken shall be binding for French social security agencies.

The provisions of Monegasque legislation concerning disputes relating to technical supervision shall apply to treatment provided to insured persons covered by the Monegasque system in French territory, and decisions which are taken shall be binding for Monegasque social security agencies.

The decisions taken by one country's disciplinary agencies shall be transmitted to the competent authorities of the other country.

Article 19

Persons in receipt of an old-age or invalidity pension who are entitled to sickness insurance benefits in kind under the legislation of the country where their pension settlement was arranged shall receive such benefits under the following terms:

The benefits shall be awarded by the competent agency of the country in whose territory the domicile of the persons concerned is situated and in accordance with the legislation applied in that country; the benefits shall be at that agency's expense.

The eligible dependants of a person in receipt of a pension shall be those who are considered as such under the legislation of the country in whose territory his domicile is situated.

Article 20

The provisions of articles 9 to 19 above shall also apply to French or Monegasque persons in receipt of an invalidity or old-age pension who are resident in France or in the Principality of Monaco and are covered by a French or Monegasque social security scheme, as well as to French or Monegasque individuals covered by a French or Monegasque social security scheme who are temporarily passing through one or the other country.

Chapter 2. INVALIDITY INSURANCE

Article 21

Paragraph 1. For employed persons or persons treated as employed persons who have been insured, consecutively or alternately, under one or more French schemes and the Monegasque invalidity insurance scheme, the insurance periods completed under these schemes or the periods recognized as equivalent to insurance periods by virtue of the said schemes shall, provided that they do not overlap, be aggregated for the purposes both of the determination of the right to benefit in cash or in kind, and of the maintenance or recovery of this right.

Paragraph 2. The costs of invalidity insurance benefits in cash shall be borne by the scheme with which the person concerned was registered at the time of the first medical declaration of sickness or accident.

The benefits shall be paid in accordance with the provisions of the scheme, taking account of all the periods during which the employed persons were covered, consecutively or alternately, by the two schemes, as well as the periods recognized as equivalent to insurance periods under those schemes.

Paragraph 3. Nevertheless, if, at the beginning of the calendar quarter in the course of which the sickness began, the disabled person, previously insured under the other scheme, was not covered for a period of not less than one year by the scheme under which the sickness was declared, he shall receive from the competent agency of the other scheme the cash benefits provided for by the latter scheme. This provision shall not apply if invalidity is the result of an accident.

Article 22

If, after suspension or discontinuance of the invalidity pension, the insured person becomes entitled to benefit, the payment of benefits shall be resumed by the agency responsible for the pension originally granted, if the state of invalidity is attributable to the disease or accident in respect of which such pension was previously granted.

Article 23

An invalidity pension shall be converted where necessary into an old-age pension under the conditions laid down by the legislation in virtue of which the pension was granted. Effect shall be given where necessary to the provisions of chapter 3 below.

Article 24

The competent administrative authorities of the Contracting States shall regulate by mutual agreement the details of medical and administrative supervision of disabled persons.

Chapter 3. INSURANCE AGAINST OLD AGE AND DEATH (PENSIONS)

Article 25

Paragraph 1. For employed persons or persons treated as employed persons who have been insured, consecutively or alternately, under one or more French schemes and the Monegasque old-age or death (pensions) insurance schemes, both the insurance periods completed under the French scheme or schemes and periods considered as equivalent to insurance periods under these schemes, on the one hand, and the contribution periods and periods recognized as equivalent to contribution periods completed under the Monegasque scheme, on the other hand, may, subject to the reservations set forth in article 27 below, and provided that they do not overlap, be aggregated for the purposes of establishing an entitlement to benefit, if the period completed in one of the two countries is less than that required under the legislation of that country for the establishment of entitlement to benefit.

Paragraph 2. The amount of benefit shall be determined by each of the agencies concerned on the basis of the duration of periods completed under its own scheme.

However, if the period completed under the Monegasque scheme is less than that required under Monegasque legislation for the establishment of entitlement to benefit, the payment of entitlements under the terms of paragraph 1 shall be carried out by the French agency, in accordance with French legislation, in respect of all periods completed in the two countries.

The competent Monegasque agencies shall reimburse the French agencies for a proportion of the benefits, calculated on a *pro rata* basis, to reflect the duration of periods completed under the Monegasque scheme, under the terms established by agreement between the competent authorities of the two countries.

Article 26

The provisions of article 25, paragraph 1, shall be applied only when the insured person simultaneously fulfils the conditions of age or incapacity to work required by both schemes.

Article 27

The provisions of article 25 shall be applicable only if the duration of contribution periods or periods recognized as equivalent under the Monegasque scheme is in excess of five years and if the insurance periods or periods recognized as equivalent completed in the two countries amount to a total of no less than 15 years.

Chapter 4. PROVISIONS COMMON TO INVALIDITY AND OLD-AGE INSURANCE

Article 28

Paragraph 1. Every insured person may, at the time when his right to a pension becomes established, renounce the benefit of the provisions of articles 21 and 25

of this Convention. The benefits to which he may be entitled under each scheme shall then be paid separately by the agencies concerned, independently of the insurance or contribution periods, or recognized equivalent periods, completed under the other scheme.

Paragraph 2. The insured person shall be entitled to make a fresh choice between the provisions of article 25 and those of this article when it is in his interest to do so either as a result of an amendment to one of the national bodies of legislation or at the time when he establishes a new pension right under one of the bodies of legislation applicable to him.

Chapter 5. FAMILY BENEFITS

Article 29

Where the national legislation makes establishment of the right to family benefits conditional upon the completion of periods of employment or occupation or other activity treated as employment or occupation, account shall be taken of the periods completed in each country.

Article 30

French or Monegasque employed persons or persons treated as employed persons who work in Monaco but reside outside the Principality shall receive from Monegasque agencies benefits calculated in accordance with Monegasque legislation.

French or Monegasque employed persons or persons treated as employed persons who work in France but reside in Monaco shall receive from French agencies benefits calculated in accordance with both French legislation and the regional abatement established by administrative arrangement.

Chapter 6. INDUSTRIAL ACCIDENTS

Article 31

The provisions of articles 10 to 18 shall apply in the case of industrial accidents and occupational diseases.

Article 32

Increased rates or supplementary allowances which have been or may be granted in addition to industrial accident pensions under the legislation in force in each of the two contracting countries are or shall be paid to French or Monegasque nationals who reside in either country.

Article 33

Where an employed person who has received compensation for an occupational disease under the legislation of one country presents a claim for compensation in respect of a disease of the same nature, under the legislation of the other country, he shall be bound to make a statement to the competent agency of the latter country of the benefits and compensation already received in respect of the same disease.

The agency paying for the new benefits and compensation shall take the previous benefits into account as if it had been responsible for them.

TITLE III. GENERAL AND MISCELLANEOUS PROVISIONS

*Chapter 1. ADMINISTRATIVE CO-OPERATION**Article 34*

The authorities and the social security agencies of the two contracting countries shall provide one another with mutual assistance to the same extent as if the matter affected the application of their own social security schemes.

Article 35

Paragraph 1. The privilege of exemption from payment of dues in respect of registration, stamp duties and consular fees provided for by the laws of either country in respect of documents to be produced to the administrative authorities or social security agencies of the one country shall be extended to the corresponding documents to be produced, for the purposes of the application of this Convention, to the administrative authorities or social security agencies of the other country.

Paragraph 2. The requirement of legalization by the diplomatic and consular authorities shall be waived in respect of all certificates, documents and papers to be produced for the purpose of implementing this Convention.

Article 36

Appeals which have to be lodged within a prescribed period with an authority or agency of either contracting country competent to accept appeals relating to social security shall be deemed admissible if they are lodged within the same period with a corresponding authority or agency in the other country. In such cases the latter authority or agency shall be bound to transmit the appeals without delay to the competent authority.

Article 37

Paragraph 1. The competent administrative authorities of the Contracting States shall decide directly on the detailed measures for the implementation of this Convention, in so far as these measures call for joint action by those authorities.

The same administrative authorities shall notify one another in due course of the changes that have taken place in the laws or regulations of their respective countries concerning the schemes enumerated in article 2.

Paragraph 2. The competent administrative authorities of the Contracting States shall determine, by mutual agreement, the measures required to avoid the concurrent payment of benefits in the event that application of the laws or regulations of the two contracting countries and of this Convention would have the effect of simultaneously establishing an entitlement to benefits from the social security agencies of both countries.

Paragraph 3. The competent authorities or departments in each contracting country shall notify one another of the other arrangements made within their respective countries for the implementation of this Convention.

Article 38

The Ministries or ministerial departments respectively responsible for the laws enumerated in article 2 shall be deemed in each of the Contracting States to be the competent administrative authorities, within the meaning of this Convention.

*Chapter 2. MISCELLANEOUS PROVISIONS**Article 39*

Where social security contributions are payable to authorities or social security agencies of one contracting country by a contributor residing in the territory of the other contracting country, such contributions may be recovered, if the claim is payable in cash, in accordance with the procedures for the recovery of social security contributions in force in the contributor's country of residence on behalf of the authorities or agencies of the country to which the contributions are payable.

In such a case, the procedure shall be carried out by the authorities or agencies of the contributor's country of residence on behalf of the authorities or agencies of the country to which the contributions are payable.

An administrative arrangement shall establish the procedures by which this article may be applied.

Article 40

All disputes relating to application of the French social security scheme in Monegasque territory shall be heard by the agencies and courts deemed to be competent by French legislation under the same conditions as if the dispute had arisen in the *département* of the Alpes-Maritimes.

All disputes relating to application of the Monegasque social security scheme in French territory shall be heard by the agencies deemed to be competent by Monegasque legislation under the same conditions as if the dispute had arisen in the territory of the Principality.

Article 41

Nothing in this Convention shall be held to invalidate the rules laid down in the schemes referred to in article 2 respecting the conditions under which insured persons may take part in the elections entailed by the functioning of the social security system.

Article 42

The formalities that may be laid down by the legal provisions or regulations of one or other of the Contracting States in respect of the payment, outside the limits of their territory, of the benefits distributed by their social security agencies shall also apply, on the same terms as to nationals, to persons entitled to receive such benefits under this Convention.

Article 43

Paragraph 1. All difficulties in connection with the interpretation or application of this Convention shall be resolved by a Mixed Commission, consisting of representatives of the competent authorities of each State, which shall meet in Paris or Monaco.

Paragraph 2. Where it is impossible to reach a solution by this means, the dispute shall be settled by arbitration in accordance with a procedure to be arranged by the two Governments. The arbitral body shall settle the dispute in accordance with the fundamental principles and spirit of this Convention.

Article 44

Paragraph 1. This Convention shall be ratified and the instruments of ratification exchanged at Paris as soon as possible.

Paragraph 2. It shall enter into force on the first day of the month following the exchange of the instruments of ratification.

Paragraph 3. Benefits whose payment was suspended under the provisions in force in one of the contracting countries by reason of the residence abroad of the persons concerned shall be paid as from the first day of the month following the entry into force of this Convention. Benefits which could not be awarded to the beneficiaries for the same reason shall be paid as from the same date.

The provisions of this paragraph shall not apply unless the claims are made within a period of one year from the date of entry into force of this Convention.

Article 45

Paragraph 1. This Convention is concluded for a period of one year. It shall be renewed automatically from year to year unless notice of denunciation is given three months before the expiration of the period.

Paragraph 2. In the event of such notice being given, the provisions of this Convention shall remain applicable to acquired rights, notwithstanding any restrictive provisions that the schemes concerned may have laid down for cases where an insured person resides in a foreign country.

Paragraph 3. In the case of any rights that are in process of acquisition in respect of insurance or contribution periods completed prior to the date on which this Convention ceases to have effect, the provisions of this Convention shall continue to apply in conformity with conditions to be laid down by supplementary agreements.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed this Convention and affixed their seals thereto.

DONE in duplicate in Paris on 28 February 1952.

[ALEXANDRE PARODI]

[PIERRE VOIZARD]