

No. 23054

SPAIN, FRANCE and PORTUGAL

Convention extending the benefit of certain provisions of the Conventions on social security concluded between two of these States to nationals of the third State. Signed at Madrid on 10 November 1982

Authentic texts: Spanish, French and Portuguese.

Registered by Spain on 28 August 1984.

ESPAGNE, FRANCE et PORTUGAL

Convention relative à l'extension du bénéfice de certaines dispositions des Conventions de sécurité sociale passées entre deux de ces États aux ressortissants du troisième État. Signée à Madrid le 10 novembre 1982

Textes authentiques : espagnol, français et portugais.

Enregistrée par l'Espagne le 28 août 1984.

[TRANSLATION — TRADUCTION]

CONVENTION¹ BETWEEN THE GOVERNMENT OF SPAIN, THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE PORTUGUESE REPUBLIC EXTENDING THE BENEFIT OF CERTAIN PROVISIONS OF THE CONVENTIONS ON SOCIAL SECURITY CONCLUDED BETWEEN TWO OF THESE STATES TO NATIONALS OF THE THIRD STATE

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

Considering that nationals of one of the States who are covered by a social security scheme of another of the States cannot, during a temporary stay in the territory of the third State, benefit from any of the bilateral conventions on social security concluded between these States and are therefore deprived of health-care protection,

Desiring to improve their social welfare coverage,

Have agreed as follows:

Article 1. Definition of the terms “temporary stay” and “transfer of residence”: the terms “temporary stay” or “transfer of residence” shall be defined with reference to the relevant provisions of the bilateral conventions referred to in this tripartite Convention.

Article 2. 1. French nationals who are subject to Portuguese social security legislation and are covered by the General Convention between France and Portugal on social security of 29 July 1971² and who satisfy the requirements for the granting of benefits in kind under sickness, maternity, industrial-accident and occupational-disease insurance schemes shall be entitled to such benefits during a temporary stay in or following a transfer of residence to Spain under the same conditions and in accordance with the same procedures as are applicable to Spanish nationals insured under the Portuguese scheme who are in Spain for a temporary stay or following a transfer of residence.

2. French nationals who are subject to Spanish social security legislation and are covered by the General Convention between France and Spain on social security of 31 October 1974³ and who satisfy the requirements for the granting of benefits in kind under sickness, maternity, industrial-accident and occupational-disease insurance schemes shall be entitled to such benefits during a temporary stay in or following a transfer of residence to Portugal under the same conditions and in accordance with the same procedures as are applicable to Portuguese nationals insured under the Spanish scheme who are in Portugal for a temporary stay or following a transfer of residence.

¹ Came into force on 1 April 1984, i.e., the first day of the second month following the date of receipt (2 February 1984) of the last of the notifications by which the Parties informed each other of the completion of their required procedures, in accordance with article 11.

² United Nations, *Treaty Series*, vol. 939, p. 149.

³ *Ibid.*, vol. 1019, p. 73.

3. For the purpose of this article, the General Convention between Spain and Portugal on social security of 11 June 1969¹ and the provisions adopted for its implementation with regard to the granting and reimbursement of benefits and the apportionment of costs shall apply.

Article 3. 1. Spanish nationals who are subject to French social security legislation and are covered by the General Convention between France and Spain on social security of 31 October 1974 and who satisfy the requirements for the granting of benefits in kind under sickness, maternity, industrial-accident and occupational-disease insurance schemes shall be entitled to such benefits during a temporary stay in or following a transfer of residence to Portugal under the same conditions, in accordance with the same procedures as are applicable to Portuguese nationals insured under the French scheme who are in Portugal for a temporary stay or following a transfer of residence.

2. Spanish nationals who are subject to Portuguese social security legislation and are covered by the General Convention between Spain and Portugal on social security of 11 June 1969 and who satisfy the requirements for the granting of benefits in kind under sickness, maternity, industrial-accident and occupational-disease insurance schemes shall be entitled to such benefits during a temporary stay in or following a transfer of residence to France under the same conditions and in accordance with the same procedures as are applicable to French nationals insured under the Portuguese scheme who are in France for a temporary stay or following a transfer of residence.

3. For the purposes of this article, the General Convention between France and Portugal on social security of 29 July 1971 and the provisions adopted for its implementation with regard to the granting and reimbursement of benefits and the apportionment of costs shall apply.

Article 4. 1. Portuguese nationals who are subject to French social security legislation and are covered by the General Convention between France and Portugal on social security of 29 July 1971 and who satisfy the requirements for the granting of benefits in kind under sickness, maternity, industrial-accident and occupational-disease insurance schemes shall be entitled to such benefits during a temporary stay in or following a transfer of residence to Spain under the same conditions and in accordance with the same procedures as are applicable to Spanish nationals insured under the French scheme who are in Spain for a temporary stay or following a transfer of residence.

2. Portuguese nationals who are subject to Spanish social security legislation and are covered by the General Convention between Spain and Portugal on social security of 11 June 1969 and who satisfy the requirements for the granting of benefits in kind under sickness, maternity, industrial-accident and occupational-disease insurance schemes shall be entitled to such benefits during a temporary stay in or following a transfer of residence to France under the same conditions and in accordance with the same procedures as are applicable to French nationals insured under the Spanish scheme who are in France for a temporary stay or following a transfer of residence.

¹ United Nations, *Treaty Series*, vol. 155, p. 61.

3. For the purposes of this article, the General Convention between France and Spain on social security of 31 October 1974 and the provisions adopted for its implementation with regard to the granting and reimbursement of benefits and the allocation of costs shall apply.

Article 5. 1. Pensioners who, having left one State to reside permanently in the territory of one of the other States, pass in transit through the territory of the third State shall benefit, as appropriate, from the relevant provisions of this tripartite Convention.

2. Where the pensioners referred to in the preceding paragraph are in receipt of pensions under two legislations, the cost of the benefit in question shall be borne by the competent institution of the country of residence which they have left.

Article 6. The provisions of articles 2, 3 and 4 shall apply to the entitled family members of a national in respect of benefits in kind, under the conditions laid down in the bilateral convention by which he is covered.

Article 7. In the cases referred to in articles 2, 3 and 4, nationals shall retain the right to cash benefits in the event of sickness and maternity and to temporary disability benefits in the event of an industrial accident or an occupational disease.

Such benefits shall be granted directly by the competent institution of enrolment.

Article 8. Any reference in this Convention to a “bilateral convention on social security” shall refer also to any texts which have supplemented or amended or may in future supplement or amend it.

Article 9. Additional clauses may subsequently, with the consent of all the Parties and subject to the requirement of reciprocity, extend the provisions of this Convention to nationals of other countries.

Article 10. Where necessary, an administrative agreement shall determine the manner in which the provisions of this Convention shall be implemented.

Article 11. Each of the Parties shall notify the other two of the completion of the procedures with which it must comply for the entry into force of this Convention. It shall enter into force on the first day of the second month following the date of receipt of the last notification.

Article 12. This Convention shall remain in force for one year from its entry into force. It shall be automatically renewed from year to year unless a written notification of termination is sent to the other two Parties at least three months in advance of the expiry of any such period.

IN WITNESS WHEREOF, the representatives of the three Governments, duly authorized thereto, have signed this Convention.

DONE at Madrid on 10 November 1982, in triplicate, in the Spanish, French and Portuguese languages, each of the texts being equally authentic.

For the Government
of Spain:

[*Signed*]

JOAQUÍN ORTEGA SALINAS
Under-Secretary
of the Ministry of Foreign Affairs

For the Government
of the French Republic:

[*Signed*]

PATRICK HENAULT
Chargé d'affaires a.i. of France
in Spain

For the Government
of the Portuguese Republic:

[*Signed*]

JOÃO DE SÁ COUTINHO
Ambassador of Portugal
