

No. 24346

**FRANCE
and
BELGIUM**

**Protocol on pre-natal and post-natal allowances under
French legislation and birth grants under the Belgian
family benefits. Signed at Paris on 3 October 1977**

Authentic text: French.

Registered by France on 30 September 1986.

**FRANCE
et
BELGIQUE**

**Protocole relatif aux allocations pré et postnatales de la
législation française et aux allocations de naissance du
régime belge des prestations familiales. Signé à Paris
le 3 octobre 1977**

Texte authentique : français.

Enregistré par la France le 30 septembre 1986.

[TRANSLATION — TRADUCTION]

PROTOCOL¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE KINGDOM OF BELGIUM ON PRE-NATAL AND POST-NATAL ALLOWANCES UNDER FRENCH LEGISLATION AND BIRTH GRANTS UNDER THE BELGIAN FAMILY BENEFITS

The Government of the French Republic and the Government of the Kingdom of Belgium,

Considering that such benefits are not within the scope *ratione materiae* of the Rules of the Communities,

Considering that for the conclusion of a reciprocal agreement in this area, the place of residency of the family should be the only valid criterion, under Belgian and French legislation, for granting such benefits to the families of workers,

Have agreed as follows:

Article 1. When French or Belgian workers are engaged in employment in Belgium and their families are resident in France, the families shall receive pre- and post-natal allowances under the French scheme only from the country in which the workers are employed.

Article 2. When Belgian or French workers are engaged in employment in France and their families are resident in Belgium, the families shall receive birth grants under the Belgian scheme only from the country in which the workers are employed.

Article 3. In cases where the same family is doubly eligible for benefits because each of the spouses is engaged in employment, one in France, the other in Belgium, the only benefits payable shall be those from the country where the family is resident and that country shall bear the cost of providing them.

Article 4. The following shall be repealed: the provisions of the Protocol between France and Belgium of 28 September 1957 concerning maternity benefits under French legislation, on the one hand, and the provisions of article 16 of the Supplementary Agreement to the Convention between France and Belgium of 17 January 1948,² as amended by the Additional Agreement of 30 August 1957, on the other hand.

Article 5. The manner in which this Agreement shall be applied shall be determined by an administrative agreement.

¹ Came into force on 1 June 1984, i.e., the first day of the second month following the date of the last of the notifications by which the Contracting Parties had informed each other (on 16 February 1978 and 6 April 1984) of the completion of the required constitutional procedures, in accordance with article 8, with retroactive effect from 1 July 1976 (except for article 2), and from 1 March 1975 for article 2, in accordance with article 6.

² United Nations, *Treaty Series*, vol. 36, p. 233.

Article 6. This Protocol shall take effect on 1 July 1976. None the less, with respect to the beneficiaries referred to in article 2, it shall be effective retroactively to 1 March 1975.

Article 7. This Protocol shall apply for a period of one year and shall be automatically renewable for periods of one year, unless written notice of termination is given by one of the Contracting Parties no later than three months prior to the expiry of such period.

Article 8. Each of the Contracting Parties shall notify the other of the completion of the constitutional procedures required for the entry into force of this Agreement.

It shall enter into force on the first day of the second month following the date on which notices are exchanged.

DONE at Paris, on 3 October 1977, in duplicate.

For the Government
of the French Republic:

[Signed]

CLAUDE CHAYET

For the Government
of the Kingdom of Belgium:

[Signed]

Prince WERNER DE MERODE
