

No. 9502

FRANCE
and
YUGOSLAVIA

General Convention on Social Security (with special protocol and interpretative note). Signed at Paris on 5 January 1950

Agreement amending the above-mentioned Convention (with exchange of letters). Signed at Belgrade on 8 February 1966

Authentic texts : French.

Registered by France on 15 April 1969.

FRANCE
et
YUGOSLAVIE

Convention générale sur la sécurité sociale (avec protocole et note interprétative). Signée à Paris le 5 janvier 1950

Avenant à la Convention susmentionnée (avec échange de lettres). Signé à Belgrade le 8 février 1966

Textes authentiques : français.

Enregistrés par la France le 15 avril 1969.

[TRANSLATION — TRADUCTION]

GENERAL CONVENTION ¹ BETWEEN FRANCE AND YUGOSLAVIA ON SOCIAL SECURITY

The Presidium of the Federal People's Republic of Yugoslavia and
The President of the French Republic,

Desiring to guarantee the benefits of the legislation relating to social security in force in the two contracting States to the persons to whom this legislation applies or has been applied, have resolved to conclude a convention and for this purpose have appointed as their plenipotentiaries :

The Presidium of the Federal People's Republic of Yugoslavia :

Mr. Marko Ristic, Ambassador of Yugoslavia,
Mr. Slavko Madjer, Director in the Ministry of Labour ;

The President of the French Republic :

Mr. Pierre Segelle, Minister of Labour and Social Security,
Mr. Philippe Perier, Minister Plenipotentiary, Director of Administrative and Social Conventions in the Ministry of Foreign Affairs ;

who, having exchanged their full powers, found to be in good and due form, have agreed on the following provisions :

TITLE I

GENERAL PRINCIPLES

Article 1

Paragraph 1. Yugoslav or French employed persons or persons treated as such under the social security legislation specified in article 2 of this Convention shall be subject respectively to the said legislation applying in France or Yugoslavia and they and their dependants shall enjoy the benefits thereof under the same conditions as the nationals of each country.

The employed persons or persons treated as such covered by this Convention shall include, within the meaning of the Yugoslav legislation, persons holding a contract of employment and persons treated as such under the social insurance system.

¹ Came into force on 1 April 1951, i.e., the first day of the month following the exchange of the instruments of ratification, which took place at Belgrade, in accordance with article 38.

Paragraph 2. Yugoslav or French nationals not covered by paragraph 1 of this article shall be subject respectively to the legislation relating to family allowances specified in article 2 applying in France or Yugoslavia and shall enjoy the benefits thereof under the same conditions as the nationals of each country.

Paragraph 3. Yugoslav or French nationals residing in France or Yugoslavia may be admitted to continued voluntary or optional insurance under the legislation specified in article 2, under the same conditions as the nationals of the country in which they reside, taking into account, where appropriate, the periods of insurance in Yugoslavia and France.

Article 2

Paragraph 1. The provisions of this Convention shall apply to the following social security legislation :

- (1) In Yugoslavia :
 - (a) The Act on social insurance schemes for manual and non-manual workers and civil servants, with the provisions relating to their application ;
 - (b) The Act on the organization and procedure of the social insurance tribunal.
- (2) In France :
 - (a) The general legislation relating to the organization of the social security schemes ;
 - (b) The general social insurance legislation applicable to insured persons employed in non-agricultural occupations and concerning insurance against sickness, invalidity, old age and death, and benefits in respect of maternity expenses, but not Act No. 48-1473 of 23 September 1948, extending to students the scope of certain provisions of the ordinance of 19 October 1945 concerning the social insurance scheme applicable to insured persons employed in non-agricultural occupations ;
 - (c) The social insurance legislation applicable to employed persons and persons treated as employed in agricultural occupations and benefits in respect of the same risks and expenses ;
 - (d) The legislation relating to family allowances ;
 - (e) The legislation relating to 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 legislation specified in the foregoing sub-paragraphs, and, in particular, the social security scheme in the mining industry.

Paragraph 2. This Convention shall also apply to all laws or regulations by which the legislation specified in paragraph 1 of this article has been or may be amended or supplemented.

Provided that this Convention shall not apply :

- (a) To laws or regulations covering a new branch of social security unless the contracting countries have made an arrangement to that effect ;
- (b) To laws or regulations extending existing schemes to new categories of beneficiaries unless the Government of the country concerned raises no objection and notifies the Government of the other country within a period of three months from the date of the official publication of the said laws or regulations.

Article 3

Paragraph 1. Employed persons or persons treated as such under the legislation applicable in each of the contracting countries who are employed in one of those countries shall be subject to the legislation in force at their place of employment.

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

(a) Employed persons or persons treated as such who are employed in a country other than that of their normal residence by an undertaking having in the latter country an establishment in which they are regularly employed, shall remain subject to the legislation in force in the country of their regular place of employment if their employment in the territory of the second country does not exceed six months; where the said employment is prolonged for unforeseen reasons beyond the period originally intended and exceeds six months, the application to them of the legislation in force in the country of regular employment may be continued by way of exception with the agreement of the Government of the country in which they are temporarily employed ;

(b) Employed persons or persons treated as such in the service of a public or private transport undertaking in one contracting country who are employed in the other country, either temporarily or as travelling personnel, shall be subject only to the provisions in force in the country in which the undertaking has its principal place of business.

(c) Employed persons or persons treated as such in the service of an official administrative department who are posted by one contracting country for employment in the other country shall be subject to the provisions in force in the country by which they are so posted ;

(d) Career diplomatic and consular officers and officers on the staff of chancelleries shall not be subject to the provisions in force in their country of residence.

Paragraph 3. Yugoslav or French nationals other than employed persons or persons treated as such shall be subject to the legislation relating to family allowances in force in the country in which they carry on their principal business. If they do not carry on any business, they shall be subject to the legislation relating to family allowances in force in the country in which they normally reside.

Paragraph 4. The supreme administrative authorities of the contracting States may by agreement provide for exceptions to the rules given in paragraphs 1 and 3 of this article. They may also agree that the exceptions provided for in paragraph 2 shall not apply in particular cases.

Article 4

Subject to the exceptions provided for in article 3, paragraph 2, subparagraphs (c) and (d), the provisions of article 3, paragraph 1, shall apply to all employed persons and persons treated as such who are employed in Yugoslav or French diplomatic or consular missions or are in the personal employ of officers of such missions.

Employed persons and persons treated as such who are nationals of the country represented by the diplomatic or consular mission and who are not permanently established in the country in which they are employed shall remain subject to the legislation of their country of origin. If, however, the supreme authority of the country represented by the diplomatic or consular mission agrees, they may opt for the application of the provisions of article 3, paragraph 1.

TITLE II

SPECIAL PROVISIONS

Chapter 1

SICKNESS, MATERNITY AND DEATH INSURANCE

Article 5

Employed persons and persons treated as such who go from France to Yugoslavia or vice versa shall, together with their dependants living with them in the country of the new place of employment, be eligible for sickness insurance benefits in that country if :

- (1) They have been working in that country as employed persons or persons treated as such ;
- (2) The sickness has become apparent after their entry into the territory of that country, unless the legislation applicable to them at their new place of employment provides more favourable conditions governing eligibility ;
- (3) They satisfy the conditions imposed for receipt of such benefits under the legislation of the country of their new place of employment or show that they have satisfied the conditions imposed by the legislation of the country which they have left, account being taken of the insurance periods completed in both countries.

Article 6

Employed persons and persons treated as such who go from France to Yugoslavia or vice versa shall, together with their dependants living with them in the country of their new place of employment, be eligible for maternity benefits in that country if :

- (1) They have been working in that country as employed persons or persons treated as such ;
- (2) They satisfy the conditions imposed for receipt of such benefits under the legislation of the country of their new place of employment or show that they have satisfied the conditions imposed by the legislation of the country which they have left, account being taken of the period of insurance in the country they have left and of any period subsequent to their registration for insurance in the country of their new place of employment.

Nevertheless, maternity benefits shall be paid by the social insurance institution of the scheme under which the person was insured at the presumed date of conception. That institution shall refund to the social security institution in the country of the new place of employment the amount of the expenditure incurred.

Article 7

On the death of an employed person or person treated as such who has moved from one country to the other, the death benefits provided for under French legislation or the funeral benefits provided for under Yugoslav legislation shall be payable in accordance with the legislation of the country of the new place of employment if :

- (1) The deceased has been working in that country as an employed person or person treated as such ;
- (2) The deceased satisfied the conditions imposed for receipt of such benefits under the legislation of the country of his new place of employment or it

is shown that he had satisfied the conditions imposed by the legislation of the country which he had left, account being taken of the period of insurance in the country he had left and of any period subsequent to his registration for insurance in the country of his new place of employment.

Article 8

Persons who have been granted a pension, under this Convention, by aggregating insurance periods, shall be entitled to sickness insurance benefits in kind if they satisfy the conditions imposed by the legislation of the country of residence ; the cost of such benefits shall be borne by the social security institutions of the country of residence.

Chapter 2

INVALIDITY INSURANCE

Article 9

Paragraph 1. In the case of French or Yugoslav employed persons or persons treated as such who have been insured consecutively or alternately in both contracting countries under one or more invalidity insurance schemes, the insurance periods completed under those schemes and any periods recognized as equivalent to insurance periods under the said schemes shall, provided that they do not overlap, be aggregated for the purpose both of the determination of the right to benefits in cash and in kind and of the maintenance or recovery of this right.

Paragraph 2. Invalidity insurance benefits in cash shall be paid in accordance with the provisions of the legislation which was applicable to the person concerned at the date on which a medical diagnosis of the illness or the accident was first made and the cost shall be borne by the competent institution in accordance with such legislation.

Paragraph 3. If, however, at the beginning of the calendar quarter in which the illness occurred an invalid who was formerly insured against invalidity in the other country had not been covered for at least one year by the legislation of the country in which the illness was diagnosed, he shall receive from the competent institution of the other country the cash benefits provided for under the legislation of that country. This provision shall not apply where invalidity is the result of an accident.

Article 10

If, after suspension or discontinuance of the invalidity pension, the insured person recovers his entitlement, the provision of benefits shall be

resumed by the institution liable for the pension originally awarded, where the invalidity is attributable to the illness or accident in respect of which the pension was originally awarded.

Article 11

Where appropriate, an invalidity pension shall be converted into an old-age pension when the conditions imposed by the legislation of either country liable for part of the cost of the old-age pension have been satisfied.

Where appropriate, the provisions of chapter 3 below shall apply.

Article 12

The rules set out in articles 9 to 11 shall apply to workers who have been employed in the mines in France and in Yugoslavia for the purpose both of the determination of rights to invalidity benefits provided under the French social security system in the mines and of the maintenance or recovery of such rights.

The occupational invalidity pension provided for under the special legislation for mine workers in France shall, however, be granted only to insured persons who were covered by that legislation when the accident or illness resulting in the invalidity occurred and who reside in France until the said pension is granted. The pension shall cease to be paid to a pensioner who resumes employment outside France.

Article 13

The supreme administrative authorities of the Contracting States shall by agreement decide on the procedure for medical and administrative supervision of invalids.

Chapter 3

OLD-AGE INSURANCE AND SURVIVOR'S (PENSION) INSURANCE

Article 14

Paragraph 1. In the case of French or Yugoslav employed persons or persons treated as such who have been insured consecutively or alternately in both contracting countries under one or more old-age or survivor's (pension) insurance schemes, the insurance periods completed under those schemes and any periods recognized as equivalent to insurance periods under the said schemes shall, provided that they do not overlap, be aggregated for the purpose both of the determination of the right to benefits and of the maintenance or recovery of this right.

Paragraph 2. Where the legislation of one contracting country makes the grant of certain benefits conditional upon the periods being completed in an occupation subject to a special insurance scheme, the periods completed under the corresponding special scheme or schemes of the other country shall alone be aggregated for admission to the grant of these benefits. Nevertheless, if there is no special scheme in one contracting country in respect of the given occupation, the insurance periods completed in the said occupation under one of the schemes referred to in paragraph 1 above shall be aggregated.

In particular, in the absence of a special social security scheme in the mining industry in Yugoslavia, only periods of employment completed in that industry in Yugoslavia which, if they had been completed in France, would have established entitlement to benefit under the special legislation relating to social security in the mining industry shall be deemed to qualify for aggregation with insurance periods completed under the French scheme of social security in the mining industry.

Paragraph 3. The benefits to which an insured person shall be entitled from each of the institutions concerned shall be determined, in principle, by fixing the amount of benefit to which the insured person would have been entitled if all the periods referred to in paragraph 1 had been completed under the scheme in question, in proportion to the length of the periods completed under that scheme.

Each institution shall determine, in accordance with the legislation to which it is subject and taking into account the aggregate number of insurance periods, irrespective of the contracting country in which they were completed, whether the person concerned satisfies the conditions required for entitlement to the benefits provided for in that legislation.

The institution shall, if ordered to do so, determine the amount of the cash benefit to which the person concerned would be entitled if the aggregate number of insurance periods has been completed exclusively under the legislation applicable in its own country and shall fix the amount of the benefit due in proportion to the length of the periods completed under that legislation.

Article 15

If, when the aggregate number of periods referred to in article 14, paragraph 1, have been taken into account, an insured person does not, at that time, satisfy the conditions imposed by the legislation of the two countries, his right to a pension under each body of legislation shall be established as and when he satisfies those conditions.

Article 16

The concurrent benefit and the special allowances provided for by the special French legislation applicable to mine workers shall be paid only to persons employed in the French mining industry.

Article 17

Paragraph 1. Any insured person may, at the time when his right to receive a pension is established, choose not to take advantage of the provisions of article 14 of this Convention. In that case, any benefits which he may claim under the legislation of each country shall be paid to him separately by the institutions concerned, without regard to the insurance periods, or periods recognized as equivalent, completed in the other country.

Paragraph 2. Such insured person shall be entitled to make a fresh choice between the rights conferred by article 14 and those conferred by this article if it is in his interest to do so, either when the legislation of either country is amended, or when he transfers his residence from one country to the other, or when, in accordance with the provisions of article 15, his right to a pension is established under one of the bodies of legislation applicable to him.

Chapter 4

PROVISIONS APPLYING TO BOTH INVALIDITY
AND OLD-AGE INSURANCE*Article 18*

Where the legislation of one contracting country makes the grant of particular benefits conditional upon the fulfilment of certain conditions of residence, such conditions shall not apply to French or Yugoslav nationals while resident in either contracting country.

However, the children's allowances provided for by the special French legislation applicable to mine workers shall be paid in accordance with the conditions laid down in that legislation.

Article 19

For the purposes of the application of article 14, paragraph 3, only insurance periods held to be valid as regards the scheme under which they were completed shall be taken into account, and only if the duration of such periods is not less than one year both in Yugoslavia and in France.

Article 20

Where, under the legislation of either contracting country, the average salary for the whole insurance period or for part of it is taken into account for the payment of benefits, the average salary to be taken into account for the computation of the benefits to be paid by that country shall be determined on the basis of the salary earned during the insurance period completed in the said country.

Chapter 5

PROVISIONS APPLYING TO ALL FORMS OF INSURANCE

Article 21

For the purpose of acquiring entitlement or determining the amount of benefit in Yugoslavia, insurance periods completed in France shall, as far as Yugoslav legislation is concerned, be considered as relating to particularly arduous work, arduous work or other kinds of work, according to the proof furnished by the persons concerned indicating the nature of their work in France during the said insurance periods.

Chapter 6

DEATH BENEFITS IN RESPECT OF PENSIONERS

Article 22

The death benefits payable in respect of pensioners shall be paid by the institution to which the insured person was last affiliated, provided that, when insurance periods completed in both countries have been taken into account, that person satisfied the conditions required for eligibility for those benefits under the legislation governing that institution.

Chapter 7

FAMILY ALLOWANCES

Article 23

Where the national legislation makes the acquisition of entitlement to family allowances conditional upon the completion of periods of employment, activity in a trade or similar activity, periods completed in both countries shall be taken into account.

Chapter 8

INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 24

Paragraph 1. No provisions in the legislation of one contracting country in respect of industrial accidents and occupational diseases which limit the rights of aliens or disqualify them by reason of their place of residence shall apply to the nationals of the other contracting country.

Paragraph 2. The increases or supplementary allowances awarded in addition to industrial accident pensions under the legislation applying in each contracting country shall continue to be paid to persons covered by paragraph 1 above who transfer their residence from one country to the other.

Article 25

Any industrial accident suffered by a French employed person in Yugoslavia or a Yugoslav employed person in France which has resulted in, or is liable to result in, either death or permanent disablement, whether total or partial, must be notified immediately by the competent institution or by the employer to the local consular authorities of the country of which the injured person is a national.

Article 26

Where an employed person who has received compensation in respect of an industrial accident or occupational disease in one contracting country submits a claim under the legislation of his new place of employment in the other country for compensation in respect of an industrial accident or occupational disease, he shall inform the competent institution of the latter country of the earlier industrial accident or occupational disease and of the amount of the benefits received in respect of that accident or disease.

TITLE III

GENERAL AND MISCELLANEOUS PROVISIONS

Chapter 1

ADMINISTRATIVE CO-OPERATION

Article 27

Paragraph 1. The authorities and the insurance and social security institutions of the two contracting countries shall furnish assistance to one another to the same extent as would be appropriate in the application of their own schemes.

A subsequent agreement shall determine the authorities and institutions of each contracting country which shall be empowered to correspond directly with each other for this purpose and to centralize the claims of the persons concerned and the payment of benefits.

Paragraph 2. Those authorities and institutions may, in addition, appeal to the diplomatic and consular authorities of the other country to take action for the same purpose.

Paragraph 3. The diplomatic and consular authorities of either country may apply direct to the administrative authorities and the national insurance or social security institutions of the other country with a view to obtaining any information they require to protect the interests of their nationals.

Article 28

Paragraph 1. Any exemption from registration fees, court fees, stamp duties and consular fees provided for by the legislation of one contracting country in respect of documents required to be produced to the authorities or social security institutions of that country shall be extended to similar documents required to be produced for the purposes of this Convention to the authorities or social security institutions of the other country.

Paragraph 2. Legalization by diplomatic and consular authorities shall be waived in respect of all certificates, documents and papers required to be produced for the purposes of this Convention.

Article 29

All communications relating to the application of this Convention sent by persons benefiting under this Convention to the institutions and administrative and judicial authorities concerned with social security in either contracting country shall be written in one of the official languages of either country.

Article 30

Claims and appeals that are required to be presented within a prescribed time-limit to an authority or institution of either contracting country competent to accept claims and appeals in matters of social insurance, family allowances and social security shall be deemed admissible if they are presented within the same time-limit to a corresponding authority or institution in the other country. In such cases, the latter authority or institution shall without delay transmit the claims and appeals to the competent institution.

Article 31

Paragraph 1. The supreme administrative authorities of the contracting States shall determine between themselves the detailed measures required for the implementation of this Convention or of the supplementary agreements for which it provides, in so far as those measures require agreement between them.

The same administrative authorities shall inform each other in due course of any changes in the legislation or regulations in their country concerning the schemes enumerated in article 2.

Paragraph 2. The competent authorities or services in each contracting country shall inform each other of other measures taken in their respective countries for the implementation of this Convention.

Article 32

In each contracting State, the Ministers responsible, each within the limits of his competence, for the schemes enumerated in article 2 shall be deemed to be the supreme administrative authorities for the purposes of this Convention.

Chapter 2

MISCELLANEOUS PROVISIONS

Article 33

The institutions which are liable under this Convention for the payment of social security benefits shall be held to discharge their liability validly by payment in the currency of their country, in accordance with the provisions of the payments agreement in force between France and Yugoslavia at the time of the transfer of funds.

Where regulations are made in either contracting country for the purpose of restricting the exchange of foreign currency, arrangements shall be made without delay, by agreement between the two Governments, for the transfer of the sums payable by one party to the other in accordance with the provisions of this Convention.

Article 34

Nothing in this Convention shall in any way invalidate the rules laid down in the schemes referred to in article 2 for the participation of insured persons in the elections connected with the functioning of social security.

Article 35

Any formalities which may be prescribed by the laws or regulations of one contracting country for the payment outside its territory of benefits provided by its social security institutions shall also apply, in the same manner as to nationals, to persons awarded such benefits under this Convention.

Article 36

Any arrangements necessary for the application of this Convention in respect of the different branches of social security covered by the schemes enumerated in article 2 shall form the subject of one or more supplementary

agreements between the Governments or the supreme administrative authorities of the contracting States. Such agreements may relate to the entire territory of the contracting countries or to a part thereof only.

Article 37

Any difficulties in connexion with the application of this Convention shall be resolved by agreement between the supreme administrative authorities of the contracting States.

Article 38

Paragraph 1. This Convention shall be ratified and the instruments of ratification shall be exchanged at Belgrade 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. The date on which the supplementary agreements mentioned in article 36 shall take effect shall be fixed in the said agreements.

Paragraph 4. Where payment of certain benefits has been suspended under the provisions in force in one contracting country because the persons concerned were resident abroad, the said benefits 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 person concerned for the same reason shall be determined and paid as from the same date.

The provisions of this paragraph shall only apply where claims are made within one year from the date of the entry into force of this Convention.

Paragraph 5. The rights of French or Yugoslav nationals whose old-age insurance pensions were determined before the entry into force of the general Convention may be reassessed at the request of the persons concerned.

Such reassessment shall have the effect of granting to the persons concerned, as from the first day of the month following the entry into force of this Convention, the same rights as if the Convention had been in force at the time of determination of the benefit.

Paragraph 6. The supplementary agreements referred to in article 36 shall determine the conditions and manner in which benefits previously awarded or those which have been re-established or awarded in accordance with the previous paragraph shall be reassessed in order to bring them into conformity with this Convention or the said agreements. Where the benefit previously awarded was in the form of a lump sum, no reassessment shall take place.

Article 39

Paragraph 1. This Convention shall remain in force for a period of one year. Thereafter it shall continue in force from year to year unless it is denounced in writing three months before the expiry of any such yearly period.

Paragraph 2. In the event of denunciation, any right acquired in accordance with the provisions of this Convention or those of the supplementary agreements mentioned in article 36 shall be maintained, notwithstanding any restrictive provision made in the schemes concerned for cases where an insured person is resident abroad.

Paragraph 3. The provisions of this Convention shall continue to apply, subject to the conditions laid down in the supplementary agreements, with regard to rights in process of acquisition in respect of insurance periods completed prior to the date on which this Convention ceases to be in force.

Article 40

With effect from the date on which this Convention enters into force, article 12 of the Treaty between France and Yugoslavia on Labour and Assistance dated 29 July 1932 shall be abrogated.

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

DONE in duplicate at Paris, on 5 January 1950.

Marko RISTIC
Slavko MADJER

P. SEGELLE
Philippe PERIER

SPECIAL PROTOCOL RESPECTING OLD-AGE ALLOWANCES FOR
EMPLOYED PERSONS UNDER THE LEGISLATION OF FRANCE

The High Contracting Parties, considering that French nationals resident in Yugoslavia receive exactly the same treatment as Yugoslav nationals with regard to the permanent assistance allowance in lieu of pension granted to elderly employed persons and to invalids who have not completed the necessary qualifying period for a pension, have agreed as follows :

The old-age allowance for employed persons shall be granted, under the conditions laid down for French employed persons in the legislation

relating to elderly employed persons, to all needy Yugoslav elderly employed persons who have resided in France continuously for at least fifteen years at the date of their application.

The old-age allowance for employed persons granted under the conditions specified above shall cease to be paid to beneficiaries of Yugoslav nationality who leave French territory.

DONE in duplicate at Paris, on 5 January 1950.

Marko RISTIC
Slavko MADJER

P. SEGELLE
Philippe PERIER

INTERPRETATIVE NOTE RELATING TO SOME PROVISIONS OF THE GENERAL CONVENTION BETWEEN FRANCE AND YUGOSLAVIA ON SOCIAL SECURITY

The French and Yugoslav delegations have, by mutual agreement, decided to explain the following provisions of the General Convention on Social Security :

Article 1, paragraph 3

It shall be clearly understood that in the event of any change in the national legislation of either country, the provisions of this paragraph shall not be a bar to the abolition of the continued voluntary or optional insurance schemes operating under the legislation specified in article 2 of the Convention in respect of nationals of the other country.

Article 2, paragraph 2 (b)

“ Government of the country concerned ” shall be understood to mean the Government of the country in which the laws or regulations referred to in that paragraph have been adopted.

Article 3, paragraph 1

For the purposes of the application of this paragraph, it should be noted that unemployed persons shall be subject to the provisions of the social security legislation in force in their last place of employment.

Article 3, paragraph 4

The wording of this paragraph shall be understood to mean :

“ The supreme administrative authorities of the contracting States may by agreement provide for *other* exceptions to the rules given in paragraphs 1 and 3 of this article. ”

Articles 5 and 6

„Dependants of employed persons living with them” shall be understood to mean dependants who are eligible for benefits under the legislation of each country. In France, temporary absences of children for education or treatment shall not be a bar to the granting of benefits as long as the insured person is financially responsible for the child.

Article 12

A miner who receives an occupational invalidity pension and who leaves French territory shall retain his right to a general invalidity pension if he is subsequently found to satisfy the conditions set out in article 9 of the Convention.

Article 14

It shall be clearly understood that persons receiving an old-age pension granted under the general social security scheme shall continue to receive that pension when they leave French territory, whether or not they are engaged in an occupation

Article 16

The persons concerned may continue to receive their old-age benefits when they are engaged in an occupation other than mining.

Article 18, first paragraph

This paragraph shall be understood to mean that the increases and other benefits granted in addition to invalidity, old-age and survivor's (pension) insurance benefits or the guaranteed minimum amount of such benefits under the legislation applying in each contracting country shall continue to be paid to the persons covered by chapters 2 and 3 of the Convention who transfer their residence from one country to the other.

Article 25

It shall be understood that it is the responsibility of the competent social security institution to notify the Yugoslav consular authorities, in accordance with this article, in all cases where the injured person is dependent on such an institution (general social security institution or special institution) for the payment of temporary disability benefits in respect of industrial accidents and occupational diseases.

Such notification shall be the responsibility of the employer in other cases and, in particular, in the case of those employed in agricultural occupations.

Article 34

The equality of rights of Yugoslav nationals recognized in the Convention shall not affect the provisions of French legislation relating to elections to the governing bodies of social security institutions.

It should be noted that under French legislation, foreign employed persons may vote but may not be candidates for office.

Article 35

It shall be clearly understood that the laws and regulations referred to in article 35 are the laws and regulations relating to social security.

Article 38, paragraph 5

Requests for reassessment of pensions must be submitted by the persons concerned and not by the social security institutions in their country on their behalf, but institutions which are dealing with a request from an applicant may transmit the request and continue their investigation of the file beyond the prescribed time-limit of one year.

DONE in duplicate at Paris, on 5 January 1950.

[TRANSLATION — TRADUCTION]

AGREEMENT ¹ AMENDING THE GENERAL CONVENTION
BETWEEN FRANCE AND YUGOSLAVIA ON SOCIAL
SECURITY SIGNED ON 5 JANUARY 1950 ²

The Government of the French Republic and

The Government of the Socialist Federal Republic of Yugoslavia,

Being resolved to develop their co-operation in the social field ;

Desiring, in particular, to improve the rights recognized by the General Convention on Social Security concluded between the two States ;

Wishing to adapt the instruments which bind them to the improvements which have been made in the legislation of the two countries ;

Have decided, in this spirit, to amend the General Convention on Social Security of 5 January 1950 ² and have agreed on the following provisions :

Article 1

Under Title I, " GENERAL PRINCIPLES " of the aforementioned Convention, articles 2 and 3 shall be amended and completed as follows :

(1) " *Article 2, paragraph 1, (1) (b)*

" (b) The general social insurance legislation applicable to persons employed in non-agricultural occupations and concerning insurance against sickness, invalidity, old-age and death, and benefits in respect of maternity expenses, with the exception of the provisions concerning voluntary old-age insurance for French nationals who are or have been employed abroad in a paid or unpaid occupation. "

(2) " *Article 2, paragraph 1 (2)*

" (1) In Yugoslavia :

" (a) The legislation relating to social security (health insurance, invalidity insurance, including insurance against industrial accidents and occupational diseases, pensions insurance) with the exception of the provisions guaranteeing special protection for Yugoslav nationals who are or have been employed abroad in a paid occupation ;

¹ Came into force on 1 February 1967, i.e., the first day of the second month following the last of the communications by which the Contracting Parties notified each other of the fulfilment of the constitutional formalities required to that effect, in accordance with article 10 (2).

² See p. 91 of this volume.

“ (b) The legislation relating to the organization and financing of the social security schemes ;

“ (c) The legislation relating to family allowances. ”

(3) “ *Article 2, paragraph 2 (b)*

“ (b) To laws or regulations extending existing schemes to new categories of beneficiaries unless the Government of the State amending its legislation raises no objection and notifies the Government of the other State to that effect within a period of three months from the date of the official publication of the said laws or regulations. ”

(4) An additional paragraph 3 shall be inserted in article 2, worded as follows :

“ *Paragraph 3.* The conditions under which the provisions of the French legislation concerning the special scheme for students and the provisions of the Yugoslav student health scheme may be applied to nationals of the other State shall be the subject of a special protocol. ”

(5) “ *Article 3, paragraph 2 (a)*

“ (a) An employed person or person treated as such who, while in the service of an undertaking having in the territory of either State an establishment in which he is regularly employed, is sent by that undertaking to carry out a job for it in the territory of the other State shall remain subject to the legislation of the first State as if he was still employed in the territory of that State, provided that the estimated period required for the job which he is to carry out does not exceed three years, including vacation periods. ”

(6) “ *Article 3, paragraph 4*

“ *Paragraph 4.* The supreme administrative authorities of the contracting Parties may by agreement provide for other exceptions to the rules given in paragraphs 1 and 3 of this article ; they may also agree that the exceptions provided for in paragraph 2 shall not apply in particular cases. ”

Article 2

Under Title II, “ SPECIAL PROVISIONS ” of the General Convention on Social Security, Chapter 1, “ Sickness, maternity and death insurance ” shall be abrogated and replaced by the following provisions :

“ Chapter I. Sickness, maternity and death insurance

“ Section I. Entitlement to benefit

“ Article 5

“ Employed persons and persons treated as such who go from France to Yugoslavia or vice versa shall, together with their dependants

living with them in the country of the new place of employment, be eligible for sickness insurance benefits in that country if :

- “ (1) They were accepted as fit for work when they last entered the country ;
- “ (2) They have become insured persons under the social security scheme since they last entered the territory of the country of the new place of employment ;
- “ (3) They satisfy the conditions imposed by the legislation of that country, account being taken, where appropriate, of the insurance periods or equivalent periods completed under the legislation of the other country.

“ Article 6

“ Employed persons and persons treated as such who go from France to Yugoslavia or vice versa shall, together with their dependants, be eligible for maternity benefits in Yugoslavia or in France if :

- “ (1) They have been working as employed persons or persons treated as such in the country of their new place of employment ;
- “ (2) They satisfy in that country the conditions imposed for receipt of such benefits, insurance periods or equivalent periods completed in both countries being aggregated if necessary.

“ When the confinement does not take place in the territory of the country of employment, the benefits in kind provided shall be those specified in the legislation in force in the other country. The cost of such benefits shall be repaid on the conditions set out in article 8, G.

“ Article 7

“ On the death of an employed person or person treated as such who has moved from one country to the other, the death benefits provided for under French legislation or under Yugoslav legislation shall be payable in accordance with the legislation of the country of the new place of employment if :

- “ (1) The deceased has been working in that country as an employed person or person treated as such ;
- “ (2) The deceased satisfied the conditions imposed for receipt of such benefits under the legislation of the country of his new place of employment, insurance periods or equivalent periods completed in both countries being aggregated if necessary.

“ Article 8

“ *Paragraph 1.* A French or Yugoslav employed person or person treated as such who has acquired the right to sickness or maternity insurance benefits from an institution of one of the two countries and who is resident in the territory of that country shall retain that right if he

transfers his residence to the territory of the other country, provided that, before transferring his residence, he obtains the authorization of the institution with which he is insured which shall take due account of the reason for the transfer.

“ *Paragraph 2.* A French or Yugoslav employed person or person treated as such who is insured with a social security institution and is resident in one of the two countries shall be entitled to sickness or maternity insurance benefits while temporarily resident in his country of origin during a paid vacation if his state of health necessitates immediate medical treatment, including admission to hospital.

“ Article 8, A

“ The French or Yugoslav persons referred to in article 3, paragraph 2 (a), of this Convention, together with their dependants who accompany them, shall be entitled to sickness and maternity insurance benefits during the whole period of their residence in the country in which they are employed.

“ Article 8, B

“ The dependants of a French or Yugoslav employed person or person treated as such who normally reside in one of the two countries while that person is employed in the other country shall be entitled to the sickness and maternity insurance benefits in kind provided for under the legislation of the country of residence.

“ Entitlement to the benefits referred to in this article shall cease six years after the date on which the person concerned entered the new country of employment.

“ Article 8, C

“ *Paragraph 1.* French or Yugoslav employed persons or persons treated as such who have been granted a pension, under this Convention, by the aggregation of insurance periods, shall be entitled to sickness and maternity insurance benefits in kind in accordance with the provisions of the legislation of the country of residence.

“ *Paragraph 2.* The same shall apply to French or Yugoslav employed persons who have been granted an industrial accident pension or an old-age or invalidity pension by only one of the two countries and who reside in the other country.

“ *Paragraph 3.* The dependants of the persons referred to in paragraphs 1 and 2 above shall be entitled to sickness and maternity insurance benefits in kind in accordance with the provisions of the legislation of the country of residence.

“ Section II. Payments and repayments between institutions

“ Article 8, D

“ Where an employed person or person treated as such, or the members of his family, are entitled to benefits under articles 8, 8 A, 8 B and 8 C or under the last paragraph of article 6, benefits in kind shall be provided by the institution of the place of residence in accordance with the provisions of the legislation applied by that institution, particularly as regards the scale of such benefits and the manner of providing them. In the cases referred to in articles 8 and 8 A, however, the duration of such benefits shall be that prescribed by the legislation applied by the institution with which the person is insured.

“ Article 8, E

“ The provision of prosthesis, large appliances and other major benefits in kind shall be subject, except in cases of absolute urgency, to authorization by the institution with which the person concerned is insured.

“ The concept of absolute urgency shall be defined by the supreme administrative authorities of the two countries.

“ The authorization of the institution with which the person concerned is insured shall not, however, be required for expenditure which is repayable at a flat rate in accordance with the provisions of article 8, G.

“ Article 8, F

“ Where an employed person or person treated as such is entitled to benefits under articles 8 and 8 A, cash benefits shall be paid by the institution with which he is insured.

“ Article 8, G

“ *Paragraph 1.* The cost of benefits in kind provided under articles 8, 8 A, 8 B and the last paragraph of article 6 shall be repaid by the institution with which the person concerned is insured to the institution which provided them in the other country.

“ *Paragraph 2.* An administrative agreement shall determine the manner in which the repayment referred to in this article shall be made and the rates at which such repayment shall be made ; repayment may be effected either against proof of actual expenditure or at a flat rate.

“ The competent authorities of the two Contracting Parties may, however, if they wish to simplify the procedure, decide by agreement that no repayment shall be effected between the institutions of the two countries.

“ Article 8, H

“ The cost of benefits provided under article 8 C shall not be subject to repayment between institutions. ”

Article 3

Under Title II, "SPECIAL PROVISIONS", Chapter 2, "Invalidity insurance", of the General Convention on Social Security, articles 9, 10 and 11 shall be amended as follows :

(1) " Article 9

" *Paragraph 1.* In the case of French or Yugoslav employed persons or persons treated as such who have been insured consecutively or alternately in the territory of both Contracting Parties under one or more invalidity insurance schemes, the insurance periods completed under those schemes and any periods recognized as equivalent to insurance periods under the said schemes shall, provided that they do not overlap, be aggregated for the purpose both of the determination of the right to benefits in cash and in kind and of the maintenance or recovery of this right.

" *Paragraph 2.* Invalidity insurance benefits in cash shall be paid in accordance with the provisions of the legislation which was applicable to the person concerned when the disablement which led to the invalidity occurred and the cost shall be borne by the competent institution in accordance with such legislation.

(2) " Article 10

" If, after suspension of the invalidity pension, the insured person recovers his entitlement, the provision of benefits shall be resumed by the institution liable for the pension originally awarded.

" If, after discontinuance of the invalidity pension, the state of health of the insured person justifies the award of a further invalidity pension, the latter shall be provided in accordance with the rules laid down in article 9 above.

(3) " Article 11

" Where appropriate, an invalidity pension shall be converted into an old-age pension when the conditions imposed by the legislation of either country liable for part of the cost of the old-age pension have been satisfied.

" Where appropriate, the provisions of chapter 3 below shall apply.

" If the total amount of the benefits to which an insured person is thus entitled under each of the old-age insurance schemes of the two countries is smaller than the amount of the invalidity pension, the balance shall be provided to him by the insurance scheme under which that pension was awarded. "

Article 4

Under Title II, "SPECIAL PROVISIONS", Chapter 4, "Provisions applying to both invalidity and old-age insurance", of the General Convention on Social Security, article 19 shall be amended as follows :

" Article 19

" Paragraph 1. Notwithstanding the provisions of article 14, if the total duration of the periods completed under the legislation of one of the two States is less than one year, no benefit shall be granted under that legislation.

" Paragraph 2. The periods referred to in the preceding paragraph shall be taken into account by the competent institution of the other State with a view to the application of article 14. "

Article 5

Title II, "SPECIAL PROVISIONS", Chapter 5, "Provisions applying to all forms of insurance", of the General Convention on Social Security shall be abrogated.

Article 6

Title II, "SPECIAL PROVISIONS", Chapter 7, "Family allowances", of the General Convention on Social Security shall be abrogated and replaced by the following provisions :

*" Chapter 7. Family allowances**" Article 23*

" Where the national legislation makes the acquisition of entitlement to family allowances in respect of children residing in the territory of one of the Contracting Parties conditional upon the completion of periods of employment, activity in a trade or similar activity, periods completed in both countries shall be taken into account.

" Article 23, A

" Paragraph 1. Employed persons and persons treated as such who are of French or Yugoslav nationality and are employed in the territory of either State shall be entitled to family allowances in respect of their children residing in the territory of the other State under the conditions to be determined by agreement between the two Governments.

" Paragraph 2. Entitlement to family allowances under this article shall cease six years after the date on which the person concerned entered the new country of employment.

“ Article 23, B

“ The children of the persons referred to in article 3, paragraph 2 (a), who accompany him while he is temporarily employed in the other country shall be entitled to the family allowances provided for under the legislation of their country of origin. ”

Article 7

Under Title II, “ SPECIAL PROVISIONS ”, Chapter 8, “ Industrial accidents and occupational diseases ”, of the General Convention on Social Security, article 26 shall be abrogated and replaced by articles 26, 26 A, 26 B and 26 C below :

“ Article 26

“ *Paragraph 1.* Any employed person or person treated as such who sustains an industrial accident or contracts an occupational disease in France or Yugoslavia and who transfers his residence to the territory of the other country shall receive the benefits in kind provided by the institution of his new place of residence, the cost of which shall be borne by the institution with which he is insured.

“ Before transferring his residence, the employed person must obtain the authorization of the institution with which he is insured, which shall take due account of the reason for the transfer.

“ *Paragraph 2.* The benefits in kind provided for in paragraph 1 shall be provided by the institution of the new place of residence in accordance with the provisions of the legislation applied by that institution as regards the scale of such benefits in kind and the manner of providing them. The duration of such benefits shall, however, be that prescribed by the legislation of the country in which the person concerned is insured.

“ *Paragraph 3.* In the case specified in paragraph 1 of this article, the provision of prosthesis, large appliances and other major benefits in kind shall be subject, except in cases of absolute urgency, to authorization by the institution with which the person concerned is insured.

“ The concept of absolute urgency shall be defined by the supreme administrative authorities of the two countries.

“ The authorization of the institution with which the person concerned is insured shall not, however, be required if the expenditure involved is repayable at a flat rate.

“ *Paragraph 4.* The cost of benefits in kind provided in the case specified in paragraph 1 of this article shall be repaid by the institution

with which the person concerned is insured to the institutions which provided them, in a manner to be determined by an administrative agreement.

“ *Paragraph 5.* The provisions of paragraphs 1, 2, 3 and 4 above shall not apply to persons who have sustained an industrial accident in agriculture in France and transfer their residence to Yugoslavia.

“ In such cases, all benefits shall be provided directly by the responsible employer or by the insurer acting for him.

“ *Paragraph 6.* In the case of the transfer of residence provided for in paragraph 1 of this article, cash benefits shall be provided by the institution with which the person concerned is insured in accordance with the legislation applying to it.

“ Article 26, A

“ For the purpose of assessing the degree of permanent disablement resulting from an industrial accident or occupational disease in accordance with French or Yugoslav legislation, industrial accidents sustained and occupational diseases contracted previously under the legislation of the other State shall be taken into account as though they had been sustained or contracted under the legislation of the first-mentioned State.

“ Article 26, B

“ Benefits in respect of an occupational disease for which compensation may be payable under the legislation of both contracting States are granted only under the legislation of the State in whose territory the person concerned last carried on an occupation capable of producing an occupational disease of that kind and provided that the person concerned satisfies the conditions imposed by that legislation.

“ If, however, the person concerned does not satisfy the conditions imposed by the legislation of that State, his entitlement to compensation shall be considered by the competent institution of the State in whose territory he was previously exposed to the risk of such a disease.

“ Article 26, C

“ Where, in the case of a deterioration in the state of an occupational disease, a person who has received or is receiving compensation for an occupational disease under the legislation of one contracting State claims a benefit under the legislation of the other State in respect of a like occupational disease, the following rules shall apply :

- “ (a) If the person concerned has not carried on in the territory of the latter State an occupation capable of producing or aggravating the occupational disease in question, the institution with which

he is insured in the first State shall continue to be responsible for the benefit payable under its own legislation, taking the said deterioration into account ;

- “(b) If the person concerned has carried on such an occupation in the territory of the latter State, the institution with which he is insured in the first State shall continue to be responsible for providing the benefit payable under its own legislation, no account being taken of the said deterioration ; the institution with which he is insured in the other State shall pay the person concerned an additional benefit the amount of which shall be fixed in accordance with the legislation of that other State and shall be equal to the difference between the amount of benefit which would have been payable after the said deterioration and that which would have been payable if the disease, before the deterioration, had been contracted in its territory.”

Article 8

Under Title III, Chapter 2, “ MISCELLANEOUS PROVISIONS ”, of the General Convention on Social Security, articles 33 and 35 of the General Convention shall be amended as follows :

- (1) “ Article 33

“ *Paragraph 1.* The institutions which are liable under this Convention for the payment of social security benefits shall be held to discharge their liability by payment in the currency of their country. Transfers of funds corresponding to the benefits payable by either party shall be effected in accordance with the provisions of the payments agreement in force between the two contracting Parties at the date of the transfer.

“ *Paragraph 2.* With regard to the repayments provided for under the Convention, whether calculated on the basis of actual expenditure or at a flat rate, the institutions of both States shall express the amounts they owe respectively in their national currency and the corresponding transfers of funds shall be effected in accordance with the provisions of the payments agreement in force between the two contracting Parties.

“ *Paragraph 3.* In the case of transfers of funds relating to the payments referred to in paragraphs 1 and 2, the rate of exchange shall be that resulting from the official par values of the two currencies.”

- (2) “ Article 35

“ Where the legislation of one contracting Party requires an authorization for the payment of benefits abroad, such authorization shall not be required in respect of nationals of the other Contracting Party residing in their country of origin.”

Article 9

For French and Yugoslav nationals employed in one of the two countries on the date on which this Agreement enters into force, that date shall be the date from which the time-limits specified respectively in the new articles 8 B and 23 A of the Convention shall be calculated.

Article 10

Paragraph 1. This Agreement shall have effect for the same period as the Convention.

Paragraph 2. Each contracting Party shall notify the other when the constitutional formalities required in that country for the entry into force of this Agreement have been completed.

This Agreement shall enter into force on the first day of the second month following the date of the last of such notifications.

DONE in duplicate at Belgrade, on 8 February 1966.

For the Government
of the French Republic :

Pierre FRANCFORT

For the Government
of the Socialist Federal
Republic of Yugoslavia :

Risto DZUNOV

EXCHANGE OF LETTERS

I

Belgrade, 8 February 1966

Sir,

Paragraph 1 of the new article 23 A of the General Convention between France and Yugoslavia on Social Security provides that :

“ Employed persons and persons treated as such who are of French or Yugoslav nationality and are employed in the territory of either State shall be entitled to family allowances in respect of their children residing in the territory of the other State under the conditions to be determined by agreement between the two Governments. ”

For the purpose of the application of this paragraph, I have the honour to propose the following measures :

- (1) Entitlement to such allowances shall be conditional upon the person concerned satisfying the conditions of employment imposed by the

legislation relating to family allowances applying in his place of employment ; the competent institution shall, to such extent as may be necessary, take into account all the periods of employment or periods treated as such completed in the territory of the two States.

- (2) The allowances shall be paid in respect of periods of employment and periods treated as such.
- (3) The children in respect of whom such allowances shall be granted shall be the dependent children of the person concerned, provided that they are the legitimate children, recognized illegitimate children or adoptive children of the person concerned or of his spouse.
The allowances shall be granted to all families with effect from the second child ; they shall be paid until the child reaches the age of fifteen years.
- (4) The institution with which the persons concerned are insured as a result of their employment shall be responsible for providing and paying the allowances.
- (5) The amount of the family allowances shall be determined according to a scale established by agreement between the supreme administrative authorities of the two States ; that scale may be revised to take into account, *inter alia*, the rate of family allowances in the country of employment and the variations in the cost of living in the country where the family resides. Such revision may only be made once a year.
- (6) A special Administrative Agreement between the supreme administrative authorities of the two States shall determine the manner in which the foregoing measures shall be applied in practice with regard to such matters as the granting of allowances and the payment of such allowances in the country in which the children reside.

I should be grateful if you would be good enough to inform me if this proposal meets with the approval of the Yugoslav Government. If such is the case, this letter together with your reply shall be regarded as constituting the agreement between our two Governments referred to in article 23 A, paragraph 1, of the General Convention on Social Security. This agreement shall enter into force on the same date and on the same conditions as those specified for the entry into force of the Agreement of today's date amending the General Convention between France and Yugoslavia on Social Security signed on 5 January 1950.

Accept, etc.

Pierre FRANCFORT
Ambassador of France

His Excellency Mr. R. Dzunov
Federal Secretary of Labour
Belgrade

II

Belgrade, 8 February 1966

Sir,

By a letter dated 8 February 1966 you have informed me as follows :

[*See letter I*]

I have the honour to inform you that the proposed measures meet with the agreement of my Government.

Accept, Sir, etc.

Risto DZUNOV
Federal Secretary of Labour

His Excellency Mr. Pierre Francfort
Ambassador of France
Belgrade
