

N° 3083.

BELGIQUE ET FRANCE

Arrangement en vue de l'exécution
de la Convention conclue le 21 mai
1927 relative au régime spécial de
retraites des ouvriers mineurs.
Signé à Paris, le 7 septembre 1931.

BELGIUM AND FRANCE

Agreement for the Execution of the
Convention concluded on May 21,
1927, concerning the Special Sys-
tem of Miners' Pensions. Signed
at Paris, September 7, 1931.

¹ TRADUCTION. — TRANSLATION.

No. 3083. — AGREEMENT BETWEEN BELGIUM AND FRANCE FOR THE EXECUTION OF THE CONVENTION CONCLUDED ON MAY 21, 1927, CONCERNING THE SPECIAL SYSTEM OF MINERS' PENSIONS. SIGNED AT PARIS, SEPTEMBER 7, 1931.

French official text communicated by the Belgian Minister for Foreign Affairs. The registration of this Agreement took place October 29, 1932.

In application of Article 13 of the Convention² concluded on May 21, 1927, between France and Belgium, the French and Belgian Administrations have by common agreement drawn up the following provisions :

CHAPTER I.

PROVISIONS RELATING TO THE SETTLEMENT OF THE RIGHTS OF WORKMEN WHO HAVE WORKED ALTERNATIVELY IN FRANCE AND BELGIUM.

Article 1.

In order to fix the amount of the pensions to be granted to the workmen referred to in Articles 5 and 9 of the Convention, the competent bodies of the two countries shall regularise the settlement of the pensions of the parties concerned, in accordance with their respective statutes, taking into consideration the total period of employment in mines both in France and Belgium.

In order to take the special provisions of Belgian legislation into consideration, the National Miners' Pension Fund shall fix the amounts of the pensions to which the parties concerned are entitled in accordance with the said legislation :

- (1) In the case of married workmen who are no longer employed ;
- (2) In the case of married workmen still in employment ;
- (3) In the case of workmen who are bachelors, widowers or divorced and are no longer employed ;
- (4) In the case of workmen who are bachelors, widowers or divorced and are still in employment.

After comparing the amount thus obtained with the amount of the pension provided for by French legislation, the amount shall be fixed in each case in accordance with the least favourable legislation to which the parties concerned are entitled.

The same comparison shall be made for each pensioner whenever the pension provided for by Belgian legislation varies for reasons other than those mentioned above, and the amount of the pension formerly granted shall be corrected as required.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² Vol. CV, page 125, of this Series.

Nevertheless it is understood that the parties concerned who fulfil the conditions for claiming a proportional pension under Belgian law shall be entitled to a pension payable by Belgium of an amount not less than that which would have been granted to them under that law save for the application of Article II, (1), of the Convention of May 21, 1927.

CHAPTER II.

APPLICATIONS AND THE EXAMINATION OF APPLICATIONS FOR PENSIONS.

Article 2.

Any workman fulfilling the conditions for claiming the advantage of the provisions of Articles 5 or 9 of the Convention shall forward his application in duplicate to the competent organisation of the country in which he has last been employed, namely :

In France, to the Independent Miners' Pension Fund ;

In Belgium, to the National Miners' Pension Fund, through the Provident Fund in whose district the undertaking where the party concerned was last employed is situate.

If the applicant does not reside in the country where he was last employed, his application may be forwarded through the pension organisation of his country of residence referred to in the preceding paragraph.

Article 3.

The Independent Fund, on receiving an application for a pension in due form under Articles 5 or 9 of the Convention, shall examine it in the light of the provisions of the said Convention and shall, if necessary, establish the duration of employment in France which is taken into consideration for the pension.

If it considers that the application does not comply with the provisions of the Convention, it shall give its reasons.

It shall thereupon transmit the file to the National Fund and, if the workman lives in France, shall enclose a declaration regarding his wages signed by him before the Mayor of his place of residence.

The National Fund for its part shall make a similar examination with regard to the duration of the employment in Belgium and shall draw up a draft joint decision enclosing, if necessary, a draft settlement of the pension on the basis of the least favourable legislation.

This draft shall be returned in duplicate to the Independent Fund, which shall check it and send one copy with its visa to the National Fund.

Article 4.

The National Fund, on receiving an application for a pension in due form under Articles 5 or 9 of the Convention, shall examine it in the light of the provisions of the said Convention.

If it considers that the application does not comply with the provisions of the Convention, it shall give its reasons and shall send the two copies of the application to the Independent Fund which shall, if necessary, give its agreement and return one of the two copies to the National Fund.

If the National Fund considers the application to be admissible, it shall send a copy without delay to the Independent Fund and shall enclose the documents which will enable the latter to fix the duration of the applicant's employment in French undertakings ; the Independent Fund shall enter this duration on the copy which it has received and shall thereupon return the copy to the National Fund.

A draft joint decision enclosing, if necessary, a draft settlement of the pension shall be drawn up by the National Fund on the basis of the least favourable legislation, and shall be forwarded in duplicate to the Independent Fund. After checking it, the latter shall return one copy to the National Fund with an indication of its assent.

Article 5.

Any widow fulfilling the conditions for obtaining the benefits laid down in Article 6 or 10 of the Convention shall forward her application in duplicate to the pension organisation of the country in which her husband was last employed.

If the applicant does not reside in the country where her husband was last employed, her application may be forwarded through the pension organisation of her country of residence.

The procedure for examining applications shall be the same as that laid down in Articles 3 and 4 above.

Nevertheless, if the husband died while in receipt of a pension, the procedure shall be simplified as follows :

If the application is sent first to the Independent Fund, it shall be forwarded by the latter in duplicate to the National Fund, which shall draw up a draft joint decision to be accompanied, if necessary, by a draft settlement, and shall return the two copies thus filled up to the Independent Fund ; the latter shall indicate its assent and return one of the copies to the National Fund.

If the application is sent first to the National Fund, it shall immediately draw up in duplicate a draft joint decision, and the settlement procedure mentioned in the preceding paragraph shall be followed.

If, under the special provisions of Belgian law, widows' pensions are liable to be changed, the two administrations shall re-examine the position of the parties concerned on the occasion of each change and shall, if necessary, redistribute the amounts payable.

Article 6.

All applications for pensions referred to in the present chapter must be accompanied by the documents and vouchers required both by French legislation and by Belgian legislation.

CHAPTER III.

ISSUE OF DOCUMENTS ESTABLISHING THE RIGHT TO PENSIONS.

PAYMENT OF PENSIONS AND SETTLEMENT OF ACCOUNTS BETWEEN THE ORGANISATIONS OF THE TWO COUNTRIES.

Article 7.

The pension organisation of the country in which the beneficiary resides shall notify him, in accordance with the practice and procedure in use in the country concerned, of the date on which the pension begins, the total amount of the said pension and the portion payable by each of the two countries.

Notifications of pensions shall also be forwarded to widows by the pension organisation of their country of residence.

The said notifications shall be a proof of the pensioners' rights.

In case of any change in the amounts of the pensions of the parties concerned, the same notification shall be made.

Article 8.

Arrears of pensions shall be payable every three months on March 1st, June 1st, September 1st and December 1st.

In view of possible variations in the amounts of arrears due to pensioned workmen, the latter shall not receive pension books.

These arrears shall be paid as follows :

When the pensioned persons live in France, the Independent Fund and the National Fund shall be respectively responsible for the payment of arrears. In order to enable the two Funds to fix the amount, the parties concerned shall send to the National Fund in the second half of the second month of each quarter a certificate stating whether they are employed or not, and whether they are married, bachelors, widowers or divorced ; and this information shall be communicated to the Independent Fund by the National Fund. In calculating arrears due for a given quarter, a workman shall be considered as employed if, during the first half of the said quarter, he has received wages representing in French francs at least the amount of the wages provided for in Belgian legislation ; failing which, he shall be considered as not having been employed.

When the pensioned persons reside in Belgium, the Belgian district funds shall pay at one and the same time the portion of the pension payable by the French and Belgian organisations after verifying the position of the parties concerned under the conditions laid down in the Belgian legislation for workmen pensioned under the said legislation. The National Fund shall centralise payments thus made for account of the Independent Fund and shall communicate to the latter, together with the receipts given by the parties concerned, such information as will enable it to ascertain that the sums paid have been calculated in accordance with the provisions of the Convention and the present Agreement ; it shall be covered in respect of such payments within fifteen days after the receipt of these documents.

When the pensioned person is entitled to a supply of coal, this shall be given in kind only in the case of workmen living in Belgium and on behalf of that country ; in all other cases it shall be paid in cash.

CHAPTER IV.

VARIOUS PROVISIONS.

Article 9.

The Independent Fund for France and the National Fund for Belgium shall correspond direct with one another in respect of matters relating to the execution of the provisions of the present Agreement.

Correspondence and printed forms of all kinds shall be drawn up in French.

In faith whereof the undersigned, duly authorised for the purpose, have drawn up the present Agreement.

Done in duplicate in Paris, September 7, 1931.

(s) HEYMAN,
*Minister of Industry,
Labour and Social Welfare
of the Kingdom of Belgium.*

(s) Camille BLAISOT,
*Acting Minister of Labour
and Social Welfare
of the French Republic.*