

**No. 25676**

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**FRANCE  
and  
CÔTE D'IVOIRE**

**Convention on social security (with protocols). Signed at  
Paris on 16 January 1985**

*Authentic text: French.*

*Registered by France on 23 February 1988.*

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et  
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**Convention de sécurité sociale (avec protocoles). Signée à  
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*Texte authentique : français.*

*Enregistrée par la France le 23 février 1988.*

## [TRANSLATION — TRADUCTION]

CONVENTION<sup>1</sup> ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE REPUBLIC OF THE IVORY COAST

The Government of the French Republic and the Government of the Republic of the Ivory Coast,

Resolved to co-operate in the social field,

Affirming the principle that nationals of both States should receive equal treatment under the social security legislation of each of them,

Desiring to provide the nationals of each State engaged or formerly engaged in a wage-earning activity in the other State with a guarantee of the rights which they have acquired,

Have decided to conclude a convention in order to co-ordinate the application of French and Ivorian social security legislation to French and Ivorian nationals and, to this end, have agreed on the following provisions:

## PART I. GENERAL PROVISIONS

*Article 1. EQUAL TREATMENT*

French and Ivorian workers engaged in the Ivory Coast or in France in a wage-earning activity or an activity treated as such shall be subject respectively to the social security legislation specified in article 4 below, applicable in the Ivory Coast or France, and they and their eligible dependants shall enjoy the benefits thereof on the same conditions as the nationals of each State.

*Article 2. PERSONAL SCOPE*

*Paragraph 1.* This Convention shall cover nationals of either Contracting State engaged or formerly engaged in a wage-earning activity or an activity treated as such, and their dependants.

*Paragraph 2.* The following shall be excluded from the scope of this Convention:

- (a) Workers other than those engaged in a wage-earning activity or an activity treated as such;
- (b) Agents exercising diplomatic or consular functions in diplomatic missions and consular posts, except honorary consuls and consular agents, and the administrative and technical personnel of these missions;
- (c) Civil servants, military personnel and persons treated as such.

*Article 3. TERRITORIAL SCOPE*

The territories to which the provisions of this Convention shall apply are:

— In the case of France: the departments of the French Republic including territorial waters, and the zone, situated beyond the territorial waters, over which

<sup>1</sup> Came into force on 1 January 1987, i.e., the first day of the second month following the date of receipt of the last of the notifications by which the Parties had informed each other of the completion of the required constitutional procedures, in accordance with article 59.

France may exercise sovereign rights for the purposes of exploration and exploitation, conservation and management of the biological or non-biological natural resources;

- In the case of the Ivory Coast: the territory of the Republic of the Ivory Coast, including territorial waters and the zone, situated beyond the territorial waters, over which the Ivory Coast may exercise sovereign rights for the purposes of exploration and exploitation, conservation and management of biological or non-biological natural resources.

*Article 4. MATERIAL SCOPE*

*Paragraph 1.* The legislation covering the nationals of the two States, in pursuance of article 1 of this Convention, shall be:

1. In France:

- (a) The legislation relating to the organization of social security;
- (b) The social insurance legislation applicable:
  - To non-agricultural wage-earners,
  - To agricultural wage-earners;
- (c) The legislation relating to the prevention of, and compensation for, industrial accidents and occupational diseases;
- (d) The legislation relating to special social security schemes, in so far as they deal with the risks or benefits covered by the legislation specified in the preceding subparagraphs, including the special scheme for seamen under the conditions specified, if necessary, in an administrative agreement relating to the application of this Convention;
- (e) The legislation relating to family allowances;

2. In the Ivory Coast

- (a) The legislation relating to the organization of social security;
- (b) The legislation relating to maternity and old-age insurance schemes for wage-earners;
- (c) The legislation relating to the prevention of, and compensation for, industrial accidents and occupational diseases;
- (d) The legislation relating to family allowances.

*Paragraph 2.* Notwithstanding paragraph 1 of this article, the Convention shall not apply to provisions which extend the option of joining voluntary insurance schemes to French nationals working or having worked outside French territory.

*Paragraph 3.* The Convention shall also apply to any laws or regulations by which the legislation specified in paragraph 1 of this article has been amended or supplemented or may hereafter be amended or supplemented.

However, it shall apply to:

- (a) Laws or regulations covering a new branch of social security only if the Contracting Parties have concluded an agreement to that effect;
- (b) Laws or regulations extending existing schemes to new categories of beneficiaries only if the Government of the interested Party has not notified the Government of the other Party within a period of three months from the date of the official publication of the said laws that it objects to such application.

*Article 5.* APPLICABLE LEGISLATION

*Paragraph 1.* Nationals of one of the Contracting States engaged in a wage-earning activity or an activity treated as such in the territory of the other Contracting State shall be compulsorily subject to the social security scheme of the last-mentioned State.

Personnel employed on board a ship flying the flag of one of the Contracting States shall be subject to the social security legislation applicable in the State whose flag the ship is flying.

*Paragraph 2.* Notwithstanding the provisions of paragraph 1 of this article:

(a) Wage-earners sent by their employer to the territory or to a ship of the other State for the purpose of carrying out a specific assignment, provided that the duration of the assignment does not exceed two years, including periods of leave, shall not be subject to the social security scheme in force in the territory of the State of assignment but shall remain automatically subject to the social security scheme with which they are insured in the territory of the first State.

If the duration of the assignment has to be prolonged, because of unforeseen circumstances, beyond the period envisaged above, the worker shall remain subject to the social security scheme applicable in the territory of the first State until the completion of the assignment, provided that the competent authority of the other State or the body designated by it has given its prior agreement.

(b) Wage-earners other than those referred to in article 2, paragraph 2 (c), of the Convention in the service of an administrative department of one of the Contracting States, who are assigned to the territory or to a ship of the other State, shall be subject to the social security scheme of the State which has assigned them.

(c) Wage-earners on the staff of diplomatic and consular posts, other than those referred to in article 2, paragraph 2 (b), of the Convention and workers in the personal employ of agents of such posts, may opt, provided they are not nationals of the State in which they are exercising their activity, to be subject to the legislation of the State represented, so long as these wage-earners are nationals of that State or have been previously insured with the social security scheme of that State.

(d) Personnel placed at the disposal of one State by the other on the basis of a co-operation contract shall be governed by the social security provisions stipulated in the technical and cultural co-operation agreements between the two States.

(e) Wage-earners, except for personnel of public or private transport enterprises recruited locally in one of the Contracting States and working in the territory of the other State, either as travelling personnel or as personnel sent temporarily to the territory of that State, shall be subject to the social security schemes in force in the territory of the State in which the enterprise has its head office.

*Paragraph 3.* The competent administrative authorities of the Contracting States may provide, by agreement, other exceptions to the provisions of paragraph 1 of this article. Conversely, they may agree that the exceptions provided for in paragraph 2 shall not apply in certain specific cases.

### Article 6. VOLUNTARY INSURANCE

*Paragraph 1.* Nationals of either State may opt to join the voluntary insurance schemes provided for under the social security legislation of the State in which they are resident, account being taken, if necessary, of any insurance periods or equivalent periods completed under the legislation of the other State.

*Paragraph 2.* The provisions of article 5 shall not prevent French workers who are subject to the Ivorian social security scheme and Ivorian workers who are subject to the French social security scheme from contributing or continuing to contribute to the voluntary insurance scheme provided for under the legislation of the State of which they are nationals.

## PART II. SPECIAL PROVISIONS

### Chapter I. Maternity insurance

#### Article 7. AGGREGATION OF PERIODS

When a woman employed in the territory of one State and subject to the maternity insurance legislation of that State has not completed the period of insurance required by the legislation of that State for entitlement to maternity insurance benefits, insurance periods or equivalent periods completed in that State shall be added, where necessary, to the insurance periods or equivalent periods completed formerly in the territory of the other State.

However, such periods may be aggregated only if not more than six months have elapsed between the end of the insurance period in the first country and the beginning of the insurance period in the new State of employment.

#### Article 8. TRANSFER OF RESIDENCE (MATERNITY)

A French female wage-earner working in the Ivory Coast and receiving maternity benefits under the Ivorian scheme shall be eligible for such benefits under the French scheme if she transfers her residence to the territory of France, provided that, prior to her departure, she obtained the authorization of the Ivorian institution with which she is insured.

An Ivorian female wage-earner working in France and receiving maternity benefits under the French scheme shall be eligible for such benefits under the Ivorian scheme if she transfers her residence to the territory of the Ivory Coast, provided that, prior to her departure, she obtained the authorization of the French institution with which she is insured.

The authorization referred to in the two preceding paragraphs shall be valid until the end of the benefit period provided for in the legislation of the State in which she is insured.

However, in the event of complications during pregnancy or following child-birth, the benefit period may be extended upon certification and on the recommendation of the medical advisers of the insuring institution.

#### Article 9. PROVISION OF BENEFITS

In the cases specified in article 8 above:

*Paragraph 1.* Benefits in kind (medical care) shall be provided by the institution of the new State of residence of the female wage-earner in accordance

with the provisions of the legislation applicable in the territory of that State, with regard to the extent of such benefits and the manner of providing them.

*Paragraph 2.* Cash benefits (daily allowances) shall be paid directly by the institution of the State in which the worker is insured.

#### *Article 10. COST OF BENEFITS*

In the case specified in article 8, the cost of benefits in kind (medical care) shall be borne by the institution with which the female wage-earner is insured.

Benefits in kind shall be reimbursed by the insuring institution to the institution of the new State of residence of the female wage-earner, in accordance with the procedures laid down in the general administrative agreement.

#### *Chapter II. Benefits in respect of old-age and death (survivors' pensions)*

### SECTION I. RECOURSE TO THE SINGLE SCHEME FOR THE PAYMENT OF PENSIONS

#### *Article 11. RIGHT OF OPTION*

*Paragraph 1.* French workers who, during their working lives, have been subject to the Ivorian old-age insurance scheme or Ivorian workers who, during their working lives, have been subject to one or several French old-age insurance schemes may, when they return definitively to their State of origin, opt for the transformation of their acquired rights in old-age insurance under the scheme of the host country to pension rights in the old-age insurance scheme of the State of which they are nationals.

For the application of the above paragraph to French nationals, the benefit of the right of option shall be reserved to workers who do not fulfil the conditions for the period of contributions required by Ivorian legislation for obtaining a pension.

*Paragraph 2.* In order to exercise his right to this option, the worker shall be allowed a period of three years from the date on which he ceases to be subject compulsorily to the old-age insurance scheme of the host country.

Upon expiry of the period of three years provided for in the preceding paragraph, the option exercised by the worker shall become permanent.

*Paragraph 3.* The worker who has not exercised the option provided for in paragraph 1 of this article shall receive the old-age benefits provided for by the legislation of each of the Parties in accordance with the rules laid down in section II below.

#### *Article 12. PROCEDURES FOR THE TRANSFER OF BENEFITS*

*Paragraph 1.* When the worker opts for the payment of a single pension under the social security scheme of his State of origin, the social security scheme of the host State shall be responsible for financing the costs relating to the periods covered by its old-age insurance legislation on the following conditions:

- (a) The competent institution of the host State shall revalue the contributions received on account of the worker by applying to each calendar year the revaluation coefficients established by the legislation of the State of origin of the insured person;
- (b) It shall pay back the amount of the contributions thus revalued to the competent institution of the State of origin of the worker within a maximum period

of two years from the date on which the option becomes permanent in accordance with article 11, paragraph 2.

It shall also indicate the periods of insurance completed under its legislation and the wages relating to those periods. These periods shall be validated by the scheme of the State of origin in accordance with the provisions of articles 13 and 14.

*Paragraph 2.* The revaluation coefficient for the application of subparagraphs (a) and (b) of the above paragraph shall be that in force at the time of the payment of contributions to the scheme of the State of origin.

*Article 13.* VALIDATION OF PERIODS IN ACCORDANCE  
WITH FRENCH LEGISLATION

*Paragraph 1.* The option for the French social security scheme shall involve retroactive insurance with the single general social security scheme, even if the insured person has exercised in the Ivory Coast an activity covered in France by a special or autonomous scheme.

*Paragraph 2.* The French institution shall calculate on the basis of the amount of the transferred contributions the contributions relating to each calendar year by dividing the amount transferred for that year by the corresponding coefficient of increase.

Subject to the provisions of the above paragraph, the French institution shall assign to the old-age pension of the person concerned the amount of remuneration corresponding to the contribution calculated in the preceding paragraph, account being taken of the contribution rate for the year considered.

The application of the provisions of this article cannot have the effect of assigning, for each year considered, to the pension of the person concerned an amount of remuneration higher than that fixed by French legislation.

*Article 14.* VALIDATION OF PERIODS IN ACCORDANCE  
WITH IVORIAN LEGISLATION

*Paragraph 1.* The option for the Ivorian social security scheme shall involve retroactive insurance with the single general scheme.

*Paragraph 2.* The contributions received by the Ivorian institution shall be assigned to the old-age pension of the person concerned.

*Article 15.* IRREVOCABILITY OF THE OPTION

The option, exercised in pursuance of article 11, shall be irrevocable.

Any subsequent claim shall be inadmissible.

The contributions transferred to the institution of the State of origin of the person concerned shall be definitively assigned to that institution.

SECTION II. PAYMENT OF PENSIONS BY EACH SCHEME

*Article 16.* WAIVER OF RESIDENCE CLAUSES

If, for the purpose of granting old-age benefits based on contributions or on the completion of certain formalities, the legislation of one of the Contracting States imposes on foreign workers conditions of residence in the territory of that State, those conditions shall not apply to the beneficiaries under the present Convention residing in the territory of the other State.

*Article 17. METHODS OF DETERMINING OLD-AGE BENEFITS*

French or Ivorian wage-earners who, during their working lives, have been insured successively or alternately in the territory of the two Contracting States with one or more insurance schemes in each of those States, shall receive old-age benefits on the following conditions:

I. When the person concerned satisfies the conditions concerning the duration of insurance required by both French legislation and Ivorian legislation for entitlement to a French old-age pension and an Ivorian old-age pension, without any need for taking into account insurance periods or their equivalent completed in the territory of the other Contracting Party, the competent institution of each Party shall determine the amount of the pension in accordance with the provisions of the legislation which it applies, taking into account only the insurance periods completed under that legislation.

II. When the person concerned does not satisfy, either on the French side or the Ivorian side, the conditions regarding the duration of insurance required by the legislation of each of the Parties for entitlement to a French old-age pension and an Ivorian old-age pension, the old-age benefits to which he may be entitled from the French and Ivorian institutions shall be determined in accordance with the following rules:

*(a) Aggregation of insurance periods*

*Paragraph 1.* Insurance periods completed under the legislation of each of the Contracting Parties and periods recognized as equivalent to insurance periods shall, provided that they do not overlap, be aggregated both for the purpose of determining entitlement to benefits and for the purpose of the maintenance or recovery of such entitlement.

*Paragraph 2.* Periods recognized as equivalent to insurance periods shall, in each State, be those recognized as such under the legislation of that State.

*(b) Determination of benefits*

*Paragraph 1.* Taking into account the aggregation of periods specified above, the competent institution of each State shall determine, in accordance with its own legislation, whether the person concerned meets the requirements for entitlement to an old-age pension under that legislation.

*Paragraph 2.* Where such entitlement exists, the competent institution of each State shall determine *pro forma* the benefit to which the insured person would be entitled if all the insurance periods or periods recognized as equivalent had been completed exclusively under its own legislation.

*Paragraph 3.* The benefit actually payable to the person concerned by the competent institution of each State shall be determined by prorating the amount of the benefit referred to in the preceding paragraph to the proportion which the duration of the insurance periods or equivalent periods completed under its own legislation represents of all periods completed in the two States.

*Paragraph 4.* If the total duration of the insurance periods completed under the legislation of the two States is greater than the maximum duration required by the legislation of one of the States for the payment of a complete benefit, the competent institution of that State shall take into consideration the maximum duration instead of the total duration of the said periods for the application of the provisions of paragraph 3.



III. When the person concerned satisfies the condition regarding the length of insurance required by the legislation of one of the Parties but does not satisfy the condition required by the legislation of the other Party for entitlement to an old-age pension:

(a) The competent institution responsible for applying the legislation under which an entitlement exists shall proceed with the payment of the pension in accordance with part I of this article.

(b) The competent institution responsible for applying the legislation under which an entitlement does not exist shall proceed with the payment of the old-age benefit in accordance with part II of this article.

#### *Article 18. RULES GOVERNING THE AGGREGATION OF INSURANCE PERIODS*

When it is necessary to aggregate insurance periods completed in the two States in order to determine the benefit, the following rules shall be applied:

*Paragraph 1.* If a period recognized as equivalent to an insurance period by the legislation of one State coincides with a period of insurance completed in the other State, only the period of insurance shall be taken into consideration by the institution of that State.

*Paragraph 2.* If the same period is recognized as equivalent to an insurance period both by French legislation and by Ivorian legislation, that period shall be taken into consideration by the institution of the State in which the person concerned was last compulsorily insured before the period in question.

*Paragraph 3.* If an insurance period completed compulsorily under the legislation of one Contracting Party coincides with an insurance period completed voluntarily under the legislation of the other Party, only the compulsory insurance period shall be taken into account by the first Party.

#### *Article 19. MINIMUM DURATION OF INSURANCE*

*Paragraph 1.* If the total duration of the insurance periods completed under the legislation of one Contracting Party is less than one year, the institution of that Party shall not be bound to award benefits in respect of these periods unless in and of themselves, they create entitlement to benefits under that legislation, in which case the entitlement shall be determined on the basis of these periods alone.

*Paragraph 2.* Nevertheless, the periods in question may be taken into consideration for granting of entitlement by aggregation under the legislation of the other Contracting Party.

#### *Article 20. SPECIAL SCHEMES*

*Paragraph 1.* If the legislation of one of the Contracting States makes it a condition for the award of certain benefits that the insurance periods shall have been completed in an occupation which is subject to a special scheme or, as the case may be, in a given occupation or employment, insurance periods completed under the legislation of the other Contracting State shall be taken into account for the purpose of the award of such benefits only if they were completed under a corresponding scheme or, failing that, in the same occupation or in the same employment.

*Paragraph 2.* If, taking into account the periods thus completed, the person concerned does not meet the conditions necessary for the enjoyment of such benefits, these periods shall be taken into account for the award of benefits under the general scheme, without taking into account their specificity.

*Paragraph 3.* Notwithstanding the provisions of article 16:

(a) The special allowance and cumulative grant provided for by French legislation to mine workers shall be payable only to the persons concerned who work in French mines.

(b) The allowances for dependent children provided for by special French legislation relating to mine workers shall be paid in accordance with the conditions laid down in that legislation.

#### *Article 21. SUCCESSIVE APPLICATION OF LEGISLATION*

*Paragraph 1.* If the insured person does not, at a given moment, meet the age requirements imposed by the legislation of the two Contracting Parties but satisfies only the age requirements of one of them, the amount of the benefits payable under the legislation under which entitlement exists shall be calculated in accordance with the provisions of article 17, I or II, as appropriate.

*Paragraph 2.* The above solution shall also apply when the insured person satisfies at a given moment the conditions required by the old-age legislation of both Parties but has taken advantage of the option offered by the legislation of one Party to defer the payment of his old-age benefits.

*Paragraph 3.* If the age requirements imposed by the legislation of the other Party are met or if the insured person requests the determination of his entitlement which he had deferred under the legislation of one of the Parties, the benefits payable under this legislation shall be determined as stipulated in article 17, I or II, as appropriate, without there being any need to review the benefits already determined under the legislation of the first Party.

#### *Article 22. BASES FOR THE CALCULATION OF BENEFITS*

If, under the legislation of one of the Contracting Parties the old-age benefits are calculated on the basis of all or part of the insurance period, the average wage to be taken into account for calculating the benefits shall be determined on the basis of the wages recorded during the insurance period completed under the legislation of that Party.

#### *Article 23. PAYMENT OF OLD-AGE PENSIONS*

Workers who are nationals of one or other of the Contracting Parties, entitled to an old-age benefit under the legislation of one Party, shall receive this benefit when they reside in the territory of the other Party.

#### *Article 24. SURVIVORS' BENEFITS*

*Paragraph 1.* The provisions of this section shall apply *mutatis mutandis* to the rights of surviving spouses and children.

*Paragraph 2.* If death creating entitlement to a survivors' pension occurs before the worker's entitlement to old-age insurance has been determined, the benefits payable to his eligible dependants shall be calculated as stipulated in article 17.

*Paragraph 3.* If, according to his personal status, the insured had more than one wife at the time of his death, the benefit payable to the surviving spouse shall be determined as soon as one of the wives meets the conditions for entitlement to the benefit.

(a) If all the wives reside in the territory of the Republic of the Ivory Coast at the time when the survivors' pension is determined, the arrears in this pension

shall be paid to the Ivorian body designated by the administrative agreement, which shall determine how it shall be apportioned according to the personal status of those concerned. The payments thus made shall be final both with regard to the responsible institution and to the persons concerned.

(b) If all the wives do not reside in the territory of the Republic of the Ivory Coast at the time when the survivors' pension is determined, the arrears in this pension shall be paid in their totality to the wife whose entitlement is established, whatever the place of her residence. If there are several wives whose entitlement is established, the benefit shall be shared among them equally. A further apportionment shall be made whenever a wife meets the conditions for entitlement.

The death of one wife shall not lead to a further apportionment among the other surviving wives.

### *Chapter III. Industrial accidents and occupational diseases*

#### *Article 25. WAIVER OF RESIDENCE CLAUSES*

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

*Paragraph 2.* Increases or supplementary allowances awarded in addition to industrial accident pensions under the legislation applicable in the territory of each Contracting State shall continue to be paid to persons covered by the preceding paragraph who transfer their residence from the territory of one State to the territory of the other.

#### *Article 26. TRANSFER OF RESIDENCE*

A French wage-earner who has sustained an industrial accident or contracted an occupational disease in the Ivory Coast or an Ivorian wage-earner who has sustained an industrial accident or contracted an occupational disease in France and who has been receiving the benefits payable during the period of temporary disability shall remain eligible for such benefits if he transfers his residence to the territory of the other State, provided that, prior to his departure, he has obtained the authorization of the Ivorian or French institution with which he is insured.

Such authorization shall be valid only for the period specified by the insuring institution.

If, on the expiration of the specified period, the condition of the person concerned so requires, the period shall, by decision of the insuring institution on the recommendation of its medical advisers, be extended until he has recovered or until the injury has properly healed.

#### *Article 27. RELAPSE*

*Paragraph 1.* If, following an accident or occupational disease diagnosed in the Ivory Coast or France, a French or Ivorian wage-earner suffers a relapse after transferring his residence temporarily or permanently to French or Ivorian territory, he shall be entitled to industrial accident insurance benefits in kind and in cash, provided that he has obtained the authorization of the Ivorian or French institution with which he was insured at the time of the accident or of the original diagnosis of the occupational disease.

*Paragraph 2.* Entitlement shall be determined in the light of the legislation applied by the Ivorian or French institution with which the worker was insured at the time of the accident or the original diagnosis of the occupational disease.

*Article 28. PROVISION OF TEMPORARY DISABILITY BENEFITS*

*Paragraph 1.* In the cases specified in articles 26 and 27:

Benefits in kind (medical care) shall be provided by the institution of the State in whose territory the worker resides in accordance with the provisions of the legislation applicable in that State, with regard to the extent of such benefits and the manner in which they are provided. However, the duration of the benefits shall be that provided for by the legislation of the State in whose territory the worker was insured at the date of the accident or the original diagnosis of the occupational disease.

Cash benefits (daily allowances) shall be provided by the institution with which the person concerned is insured in accordance with legislation applicable to it.

*Paragraph 2.* The provisions of paragraph 1 of this article shall not apply to Ivorian workers who sustained an industrial accident or contracted an occupational disease in an agricultural profession in France prior to 1 July 1973, when they have transferred their residence to the Ivory Coast. In this case, the benefits are paid directly by the employer responsible or the insurer.

*Article 29. COST OF TEMPORARY DISABILITY BENEFITS*

*Paragraph 1.* In the cases specified in articles 26 and 27, the cost of benefits shall be borne by the institution with which the worker is insured.

Benefits in kind shall be reimbursed according to the procedures laid down by the administrative agreement.

*Paragraph 2.* In the cases referred to in article 28, paragraph 2, the benefits shall be paid by the employer responsible or the insurer.

*Article 30. MAJOR BENEFITS IN KIND*

The provision of prosthetic devices, large appliances and other major benefits in kind, a list of which shall be annexed to the administrative agreement, shall be subject, except in emergencies, to prior authorization by the insuring institution. However, this authorization shall not be required in the case of expenses reimbursed on a lump-sum basis.

*Article 31. SUCCESSIVE ACCIDENTS*

For the purpose of assessing the degree of permanent disability resulting from an industrial accident or an occupational disease under the legislation of one Party, industrial accidents previously sustained or occupational diseases previously contracted under the legislation of the other Party shall be taken into account as if they had been sustained or contracted under the legislation of the first-mentioned Party.

*Article 32. PENSIONS FOR SURVIVING SPOUSES*

In the event of death following an industrial accident, if the deceased, in accordance with his civil status, had more than one wife, the pension payable to a surviving spouse shall be apportioned equally and finally among the wives.

*Article 33. OCCUPATIONAL DISEASES*

*Paragraph 1.* If the person suffering from an occupational disease has been engaged in the territory of both Parties in an occupation which could have caused that disease, the benefits which he or his survivors may claim shall be granted exclusively under the legislation of the Party in whose territory he was last engaged in the occupation in question, provided that he satisfies the conditions laid down in that legislation.

*Paragraph 2.* If the legislation of one of the Parties makes it a condition for the award of occupational disease benefits that the disease shall have been diagnosed for the first time in its territory, that condition shall be deemed to be satisfied if the disease was first diagnosed in the territory of the other Party.

*Paragraph 3.* In cases of sclerogenous pneumoconiosis, the following provisions shall apply:

(a) If the legislation of one of the Parties makes it a condition for the award of occupational disease benefits that an activity which could have caused that disease shall have been carried on for a certain length of time, the competent institution of that Party shall take into account, to the extent necessary, the periods during which such activity was carried on in the territory of the other Party.

(b) The cost of pensions shall be assigned to the competent institution of the State in whose territory the activity which could have caused the disease in question was last exercised.

*Article 34. WORSENING OF AN OCCUPATIONAL DISEASE*

If an occupational disease for which compensation is being made under the legislation of one of the Parties worsens while the person concerned is resident in the territory of the other Party, the following rules shall apply:

(a) If the worker has not engaged in the territory of his new State of residence in an occupation which could have caused that occupational disease, the institution of the first State shall bear the resultant costs under the terms of its own legislation.

(b) If the worker has engaged in the territory of his new State of residence in an occupation which could have caused that occupational disease:

- The institution of the first-mentioned Party shall continue to be liable for the benefit payable to the person concerned under its own legislation as if there had been no worsening of the disease;
- The institution of the other Party shall bear the cost of additional benefits associated with the worsening of the disease. The amount of the additional benefits shall be determined in accordance with the legislation of that Party as if the disease had been contracted in its own territory; it shall be equal to the difference between the amount of benefit payable before the worsening of the disease and the amount payable after it.

*Chapter IV. Family allowances**Article 35. CHILDREN RESIDING IN THE TERRITORY OF THE STATE WHERE THE WORKER IS EMPLOYED*

*Paragraph 1.* Wage-earners of Ivorian nationality, employed in French territory, shall receive for their children resident in France family benefits provided for by French legislation.

*Paragraph 2.* Wage-earners of French nationality, employed in Ivorian territory, shall receive for their children resident in the Ivory Coast family benefits provided for by Ivorian legislation, provided they fulfil the conditions laid down by that legislation.

*Article 36.* ENTITLEMENT TO FAMILY ALLOWANCES FROM THE STATE  
IN WHOSE TERRITORY THE CHILDREN RESIDE

Wage-earners employed in France or in the Ivory Coast may claim in respect of their children residing in the territory of the other State, the family allowances provided for under the legislation of the State in whose territory the children reside, if they fulfil the conditions laid down in the legislation applicable in the territory of the State of employment.

*Article 37.* ELIGIBLE CHILDREN

Children eligible for the family allowances referred to in article 36 shall be the worker's dependent children within the meaning of the legislation of the State in whose territory they reside.

*Article 38.* PAYMENT OF FAMILY ALLOWANCES

Family allowances shall be paid by the competent institution of the State in whose territory the children reside, in the manner provided for under the legislation applied by the said institution.

*Article 39.* PARTICIPATION OF THE STATE IN WHOSE TERRITORY  
THE WORKER IS EMPLOYED

*Paragraph 1.* The competent institution of the State in whose territory the worker is employed shall pay to the central institution of the State of residence of the children a lump-sum contribution, the amount of which for each child shall be indicated in a scale to be drawn up by agreement between the competent administrative authorities of the two States and annexed to the Administrative Agreement.

*Paragraph 2.* The scale may be revised in the light of the conditions laid down in the Administrative Arrangement and may take place only once a year.

*Article 40.* MANNER OF PAYMENT OF THE CONTRIBUTION

The conditions for the application of article 39, including the manner of payment of the contribution, shall be determined by Administrative Agreement.

*Article 41.* WORKERS ON ASSIGNMENT

*Paragraph 1.* The workers referred to in article 5, paragraph 2 (a), shall be entitled, in respect of their children accompanying them to the territory of the other State, to the family allowances provided for under the legislation of the insuring State, as specified in the Administrative Agreement.

*Paragraph 2.* The family allowances shall be paid directly by the competent family allowance institution of the insuring State of the persons concerned.

PART III. MISCELLANEOUS PROVISIONS

*Chapter I. Measures for the implementation of the Convention*

*Article 42.* COMPETENT ADMINISTRATIVE AUTHORITIES

In the territory of each Contracting Party, the ministers responsible in their respective fields for the implementation of the legislation specified in article 4

shall be deemed to be the competent administrative authorities for the purposes of this Convention.

*Article 43. ADMINISTRATIVE AGREEMENTS*

A general administrative agreement, drawn up by the competent administrative authorities of the two Contracting Parties, shall establish any arrangements necessary for the implementation of this Convention, in particular those contemplated in the articles which expressly refer to such an agreement.

The said agreement shall designate the liaison bodies of the two Contracting Parties.

Models of the forms required for setting in motion procedures and formalities agreed upon shall be annexed to the general administrative agreement.

Furthermore, the competent administrative authorities of the two Parties shall make all the necessary administrative arrangements supplementing or modifying the general Administrative Agreement.

*Article 44. JOINT COMMISSION*

There shall be established a joint commission responsible for monitoring the application of the Convention and for proposing possible amendments to it. The administrative agreement shall define the task of the Commission and shall lay down the procedures for its operation.

*Article 45. INFORMATION*

The competent administrative authorities as defined in article 42 shall:

- Communicate directly to each other any information regarding measures taken in their respective countries to implement this Convention and the agreements adopted for its implementation;
- Report to each other any difficulties which may arise at the technical level from the implementation of the provisions of the Convention or the agreements adopted for its implementation;
- Communicate directly to each other any information regarding amendments to the legislation and regulations referred to in article 4, in so far as they might affect the implementation of this Convention or the agreements adopted for its implementation.

*Article 46. MUTUAL ADMINISTRATIVE ASSISTANCE*

The competent administrative authorities and social security institutions of the two Contracting Parties shall assist each other in the implementation both of this Convention and of the social security legislation of the other country, as if they were implementing their own social security legislation.

*Article 47. PROCEDURES FOR SUPERVISION*

The competent administrative authorities shall establish by administrative agreement procedures for medical and administrative supervision and for the expert services required for the implementation of this Convention.

*Article 48. FUNCTIONING OF INSTITUTIONS*

There shall be no derogation from the rules laid down by the legislation specified in article 4 in respect of the participation of aliens in the establishment or

replacement of the organs required for the operation of the social security institutions of either Contracting Party.

## *Chapter II. Provisions derogating from domestic legislation*

### *Article 49. EXEMPTION FROM FEES AND WAIVER OF LEGALIZATION*

*Paragraph 1.* Any exemption from registration fees, court fees, stamp duties and consular fees provided for under the legislation of one of the Contracting Parties in respect of documents required to be produced to the social security authorities or institutions of that Party shall be extended to similar documents required to be produced for the purpose of this Convention to the social security authorities or institutions of the other Party.

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

### *Article 50. APPEALS*

Appeals in social security matters which should have been presented within a prescribed time-limit to an authority, institution or court of one of the Contracting Parties competent to receive them shall be admissible if they are presented within the same time-limit to a corresponding authority, institution or court of the other Party. In such cases, appeals shall be transmitted without delay to the competent authority, institution or court of the first-mentioned Party.

If the authority or institution to which the appeal has been presented does not know which is the competent authority or institution, the appeal may be transmitted through the authorities specified in the above paragraph.

### *Article 51. FORMALITIES*

Any formalities prescribed by the laws or regulations of one of the Contracting Parties for the provision of benefits payable to its nationals in the territory of the other Party shall also apply, on the same conditions, to nationals of the other Party eligible for such benefits under this Convention.

## *Chapter III. Financial provisions*

### *Article 52. TRANSFERS OF SOCIAL SECURITY FUNDS*

There shall be complete freedom to transfer all sums representing payments made in connection with social security or social welfare transactions in implementation of either this Convention or the domestic legislation of either State, including payments under voluntary insurance and supplementary retirement schemes.

### *Article 53. RECOVERY OF CONTRIBUTIONS*

*Paragraph 1.* Contributions due to an institution of one of the Parties administering a compulsory wage earners' scheme may be recovered in the territory of the other Party in accordance with the administrative procedure and subject to the guarantees and privileges applicable to the recovery of contributions due to the institution of the latter Party.



*Paragraph 2.* The procedures for the application of the provisions of paragraph 1 shall be regulated, as necessary, by a specific agreement between the two Parties, which may also concern procedures for enforced recovery.

*Article 54.* FINANCIAL SETTLEMENTS

*Paragraph 1.* The institutions liable, under this Convention or under their own legislation, for the payment of benefits shall be deemed to discharge their liability validly by payment in the currency of their State.

*Paragraph 2.* Reimbursements provided for under this Convention, calculated on the basis of actual expenditure or on a flat-rate basis, shall be expressed in the currency of the State of the institution which provided the benefit.

*Article 55.* CENTRALIZATION OF BENEFITS

The competent administrative authorities of the two States may, by administrative agreement, delegate to the liaison bodies of the two States the task of centralizing, with a view to their transfer to the other State, all or some of the benefits provided for under this Convention. In such cases, the transfer of such benefits shall be effected through the institutions of the two Parties designated for that purpose.

PART IV. FINAL PROVISIONS

*Article 56.* SETTLEMENT OF DISPUTES

*Paragraph 1.* Any difficulties relating to the implementation of this Convention shall be settled by agreement between the competent administrative authorities of the Contracting Parties.

*Paragraph 2.* Should it prove impossible to reach a settlement by this means, the dispute shall be settled by agreement between the two Governments.

*Paragraph 3.* Should it prove impossible to settle the dispute by the above procedure, the dispute shall be submitted to an arbitration procedure established by agreement between the two Governments.

*Article 57.* TRANSITIONAL PROVISIONS

*Paragraph 1.* This Convention shall create no entitlement to the payment of benefits for a period prior to the date of its entry into force.

*Paragraph 2.* Notwithstanding the provisions of paragraph 1 above, benefits or pensions which, prior to the entry into force of this Convention, had not been awarded or had been awarded separately, or which had been suspended or reduced by reason of the nationality or residence of the recipients in implementation of the provisions in force in each of the Contracting States, may be awarded, restored or reviewed under the terms of this Convention.

The award, restoration or review shall be carried out in accordance with the rules laid down in this Convention, subject to any insurance period completed under the legislation of one Contracting Party before the entry into force of this Convention being taken into consideration in determining entitlements under the provisions of this Convention.

*Paragraph 3.* There shall, however, be no review if the entitlements previously awarded have been the subject of a lump-sum payment.

*Article 58.* SUBMISSION OF APPLICATIONS

*Paragraph 1.* The benefits or pensions in question shall be awarded, restored or reviewed on the application of the persons concerned.

The application shall be submitted to the competent institutions of either Contracting Party.

It shall take effect from the first day of the month following that in which the application was submitted.

*Paragraph 2.* If the application is submitted within one year from the date of entry into force of the Convention, it shall take effect retroactively from that date.

*Article 59.* ENTRY INTO FORCE OF THE CONVENTION

The Government of each Contracting Party shall notify the other of the completion of the constitutional procedures required for the entry into force of this Convention. The Convention shall enter into force on the first day of the second month following the date of the later of such notifications.

*Article 60.* DURATION OF THE CONVENTION

This Convention is concluded for a period of one year from the date of its entry into force. It shall be renewed by tacit agreement for periods of one year, unless a notice of denunciation is given three months prior to the expiry of any such period.

In the event of denunciation, the provisions of this Convention shall continue to apply to acquired rights, notwithstanding any restrictive provisions in the relevant schemes concerning an insured person who is residing abroad.

IN WITNESS WHEREOF, the undersigned, duly authorized for this purpose, have signed this Convention.

DONE in Paris, on 16 January 1985, in duplicate, both texts being equally authentic.

For the Government  
of the French Republic:

[Signed]

GEORGINA DUFOIX

Minister of Social Affairs  
and National Solidarity

For the Government  
of the Republic of the Ivory Coast:

[Signed]

YAYA OUATTARA

Minister of Social Affairs

PROTOCOL No. 1 CONCERNING THE RETENTION OF CERTAIN SICKNESS INSURANCE BENEFITS BY INSURED FRENCH OR IVORIAN NATIONALS WHO MOVE TO THE IVORY COAST

The Government of the French Republic and the Government of the Republic of the Ivory Coast have decided to adopt, until such time as a sickness insurance

scheme is instituted by law in the Ivory Coast, the following provisions concerning French or Ivorian nationals covered by the French sickness insurance scheme who move to the Ivory Coast in certain circumstances:

*Article 1.* A French or Ivorian employed person working in France who has acquired an entitlement to cash benefits shall retain such entitlement for a period not exceeding six months if he transfers his residence to the territory of the Ivory Coast, provided that, prior to the transfer, he has obtained the authorization of the institution with which he is insured, which shall take due account of the reason for the transfer.

*Article 2.* During the six-month period referred to in article 1, the French insuring institution shall, on the basis of a favourable opinion by its medical advisers, reimburse part of the cost of any treatment received in the Ivory Coast by a worker authorized to transfer his residence in pursuance of article 1 above.

These provisions apply only to the worker himself and not to the members of his family.

*Article 3.* An administrative agreement shall specify, *inter alia*:

- (a) The nature of the benefits for which reimbursement shall be made;
- (b) The limitations and conditions applicable to the provision of these benefits, including a list of benefits the provision of which is subject to prior authorization;
- (c) The basis on which reimbursement shall be made by French institutions. These reimbursements may be made either at a flat rate or on the basis of the actual Ivory Coast scale, subject to a deduction representing the proportion of the cost to be borne by the insured person, the amount of which shall be determined in accordance with the legislation applied by the reimbursing institution;
- (d) The arrangements for medical and administrative supervision of patients in the Ivory Coast on behalf of the insuring institution;
- (e) The institutions responsible for the provision of benefits in the Ivory Coast;
- (f) The procedures for inter-institutional financial settlements.

*Article 4.* If sickness insurance legislation is enacted in the Ivory Coast, the provisions of this Protocol shall cease to have effect; a new agreement on sickness insurance shall be concluded between the two Parties.

*Article 5.* The Government of each Contracting Party shall notify the other of the completion of the constitutional procedures required for the entry into force of this Protocol. The Protocol shall enter into force on the first day of the second month following the date of the later of such notifications.

*Article 6.* This Protocol is concluded for a period of one year from the date of its entry into force. It shall be renewed by tacit agreement for periods of one year unless a notice of denunciation is given three months prior to the expiry of any such period.

In the event of denunciation, the provisions of this Protocol shall continue to apply to acquired rights, notwithstanding any restrictive provisions in the relevant schemes concerning an insured person who is residing abroad.

IN WITNESS WHEREOF, the undersigned, duly authorized for this purpose, have signed this Protocol.

DONE in Paris on 16 January 1985 in duplicate.

For the Government  
of the French Republic:

[Signed]

GEORGINA DUFOIX  
Minister of Social Affairs  
and National Solidarity

For the Government  
of the Republic of the Ivory Coast:

[Signed]

YAYA OUATTARA  
Minister of Social Affairs

PROTOCOL No. 2 CONCERNING THE SOCIAL INSURANCE  
SCHEME FOR STUDENTS

The Government of the French Republic and the Government of the Republic of the Ivory Coast,

Desiring to promote to the maximum cultural exchanges between the two States,

Have decided to adopt the following measures:

*Article 1.* The French social insurance scheme for students established in Book VI, part I, of the Social Security Code shall apply, on the same terms as to French students, to Ivorian students studying in France who are not covered in that State by social insurance and are not dependants of persons having such coverage.

*Article 2.* The two Governments undertake to ensure equal treatment with respect to social security for Ivorian and French students in the territory of each of the two States.

*Article 3.* The Government of each Contracting Party shall notify the other of the completion of the constitutional procedures required for the entry into force of this Protocol. The Protocol shall enter into force on the first day of the second month following the date of the later of such notifications.

*Article 4.* This Protocol is concluded for a period of one year from the date of its entry into force. It shall be renewed by tacit agreement for periods of one year unless notice of denunciation is given three months prior to the expiry of any such period.

In the event of denunciation, the provisions of this Protocol shall continue to apply to acquired rights, notwithstanding any restrictive provisions in the relevant schemes concerning an insured person who is residing abroad.

IN WITNESS WHEREOF, the undersigned, duly authorized for this purpose, have signed this Protocol.

DONE in Paris on 16 January 1985 in duplicate.

For the Government  
of the French Republic:

[Signed]

GEORGINA DUFOIX  
Minister of Social Affairs  
and National Solidarity

For the Government  
of the Republic of the Ivory Coast:

[Signed]

YAYA OUATTARA  
Minister of Social Affairs