

No. 8451

**ISRAEL
and
FRANCE**

Convention on social security. Signed at Paris, on 17 December 1965

Official texts : Hebrew and French.

Registered by Israel on 14 December 1966.

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et
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Convention de sécurité sociale. Signée à Paris, le 17 décembre 1965

Textes officiels hébreu et français.

Enregistrée par Israël le 14 décembre 1966.

[TRANSLATION — TRADUCTION]

No. 8451. CONVENTION ON SOCIAL SECURITY¹ BETWEEN ISRAEL AND FRANCE. SIGNED AT PARIS, ON 17 DECEMBER 1965

The Government of the State of Israel and
The Government of the French Republic,
Being resolved to co-operate in the social field,

Affirming the principle that the nationals of one State should receive under the social security legislation of the other equal treatment with the nationals of the latter,

Desirous of enabling their nationals to keep the rights which they have acquired under the legislation of one State and of providing for the aggregation of insurance periods completed by their nationals under the legislation of both States,

Have decided to conclude a Convention to co-ordinate the application to French and Israel nationals of French legislation on social security and Israel legislation on national insurance and, to this end, have agreed as follows :

TITLE I

GENERAL PRINCIPLES

Article 1

1. French and Israel employed persons or persons treated as such shall be subject to the social security legislation specified in article 2 below and applying in Israel and in France respectively and shall, subject to the reservations set out in article 2, enjoy the benefits thereof under the same conditions as the nationals of each State.

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

—in relation to France . metropolitan France and the Overseas Departments ,

—in relation to Israel : the State of Israel.

¹ In accordance with article 29, the Convention came into force on 1 October 1966, the first day of the third month following the exchange of notifications stating that the Convention had been approved in accordance with the constitutional provisions in force in each of the two countries. The said notifications were exchanged at Paris on 21 and 28 July 1966

Article 2

1. The provisions of the present Convention shall apply .

(1) In relation to France, to

- (a) The legislation relating to the organization of the social security schemes ;
- (b) The social insurance legislation applicable to persons employed in non-agricultural employment, with the exception of the provisions concerning voluntary insurance under the old age insurance scheme for persons employed outside French territory ,
- (c) The social insurance legislation applicable to persons employed and persons treated as employed in agricultural employment ;
- (d) The legislation relating to the contributory scheme for old age allowances for non-employed persons ,
- (e) The legislation on the prevention of, and compensation for, industrial accidents and occupational diseases ;
- (f) The legislation relating to family allowances ;
- (g) Special social security schemes, in so far as they deal with the insurance or benefits covered by the legislation specified in the foregoing paragraphs, and, in particular, the scheme of social security in the mining industry.

(2) In relation to Israel, to

—The national insurance legislation applicable to employed persons and persons treated as employed persons and concerning insurance against old age and death, industrial accidents and occupational diseases, benefits in respect of maternity expenses and pensions for large families

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 States have concluded an agreement to that effect.

In particular, agreements concerning sickness insurance and invalidity insurance shall be concluded when the Government of Israel has instituted a legal insurance scheme covering these risks.

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

Article 3

1. All employed persons or persons treated as such under the laws applicable in each of the Contracting States who are employed in the territory of one of the States shall be subject to the laws in force at their place of employment.

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

(a) An employed person or a person treated as such who is ordinarily resident in the territory of one of the Contracting States and is employed in the other State by an enterprise having an establishment in the first-mentioned State shall remain subject to the legislation in force in the State of his regular place of employment, if his employment in the territory of the second State does not exceed twelve months, where the said employment is prolonged for unforeseen reasons beyond the period originally intended and exceeds twelve months, the application to him of the legislation in force in the State of regular employment may be continued by way of exception with the agreement of the Government of the State in which he is temporarily employed ;

(b) An employed person or a person treated as such in the service of a transport enterprise of one of the Contracting States and employed in the mobile section (travelling personnel) of that enterprise shall be subject only to the provisions in force in the State in which the enterprise has its principal place of business.

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

Article 4

1. The provisions of article 3, paragraph 1, shall apply to all employed persons and persons treated as such, regardless of nationality, who are employed in French or Israel diplomatic or consular missions or are in the personal employ of officers of such missions.

Provided that

(a) Diplomatic and consular officers *de carrière* and officers on the staff of chancelleries shall be excepted from the operation of this article ;

(b) 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 may opt between the application of the legislation of the country of their place of employment and that of the legislation of their country of origin.

2. Persons employed in the service of a Government department of one of the Contracting Parties who are subject to the legislation of that Party and are sent to the territory of the other Party shall continue to be subject to the legislation of the sending State.

TITLE II

SPECIAL PROVISIONS

Chapter 1

MATERNITY AND DEATH BENEFITS

Article 5

1. Employed persons who transfer their residence from France to Israel, and their dependants, shall be entitled to maternity benefits under the Israel scheme, provided that they satisfy in Israel the conditions imposed for receipt of such benefits, insurance periods and equivalent periods completed in France being aggregated if necessary.

2. Employed persons who transfer their residence from Israel to France, and their dependants, shall be entitled to maternity benefits under the French scheme provided that :

- (a) They have been working in an employment subject to insurance in France ;
- (b) That they satisfy in France the conditions imposed for receipt of such benefits, insurance periods or periods recognized as equivalent completed in Israel being aggregated if necessary.

Article 6

On the death of an employed person or person treated as such who has moved from one State to the other, death benefits shall be payable in accordance with the legislation of the State of the new place of employment provided that :

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

Chapter 2

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

Article 7

1. In the case of French or Israel employed persons or persons treated as such who have been insured successively or alternately in both Contracting States 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, in so far as they do not overlap, be aggregated both for determining the right to benefit and for the maintenance or recovery of the said right.

2. Where the legislation of one of the Contracting States makes it a condition for the award of particular benefits that the insurance periods have been completed in an occupation subject to a special insurance scheme, only the insurance periods completed under the corresponding special scheme or schemes of the other State shall be aggregated for the purpose of qualification for such benefits.

If in one of the Contracting States no special scheme for a given occupation exists, the insurance periods completed in the said occupation under one of the schemes referred to in paragraph 1 above shall be aggregated, notwithstanding the foregoing

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

3. The benefits to which an insured person shall be entitled from each of the institutions concerned shall be determined 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 on a *pro rata* basis according to the length of the periods completed under each scheme.

4. Where under the legislation of one of the Contracting States the amount of benefit is calculated on the basis of an average wage, an average contribution or an increased rate, such wage, contribution or rate shall be established, for the calculation of the benefit payable by the institution of that State, in relation only to the insurance periods actually completed under the legislation of that State.

5. The rules prescribed in the preceding paragraphs shall apply to survivor's (pension) insurance.

Article 8

Where an insured person, when all the periods referred to in article 7, paragraphs 1 and 2, have been taken into account, does not simultaneously satisfy the conditions imposed by the legislation of both States, his right to receive a pension under each legislation shall be established as and when he satisfies the said conditions.

Article 9

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 7 of this Convention. In that case any benefits which he may claim under the legislation of each State shall be paid to him separately by the institutions concerned.

2. Such insured person shall be entitled to make a fresh choice between the rights conferred by article 7 and those conferred by this article if it is in his interest to do so, either when the legislation of one of the States is amended, or when he transfers his residence from one State to the other, or when, in accordance with the provisions of article 8, he acquires a new right to a pension under the legislation of either Party.

Article 10

1. Where the legislation of one of the Contracting States makes the grant of particular benefits conditional upon the fulfilment of certain conditions of residence, such conditions shall not apply to Israel or French nationals while resident in the territory of one of the Contracting Parties.

Provided that the children's allowances provided for by the special legislation relating to persons employed in the mining industry shall be paid under the conditions laid down in that legislation.

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

2. Nationals of either Party who are entitled to receive a pension payable by the social security institutions of the other Party and are resident in a third State shall receive their pension under the same conditions as nationals of the State by which the pension is payable.

Article 11

For the purposes of the application of article 7, 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 France and in the State of Israel.

Chapter 3

INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 12

1. No provisions in the legislation of one Contracting State 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 State.

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

Article 13

1. A person who sustains an industrial accident or contracts an occupational disease in the territory of the Contracting State which is not the competent State shall receive the benefits in kind provided by the institution of the place of temporary or permanent residence. The same shall apply when the state of health of a person who sustains an industrial accident or contracts an occupational disease while staying temporarily in that territory necessitates immediate medical treatment, including admission to hospital.

2. A person who sustains an industrial accident or contracts an occupational disease in the territory of the competent State and transfers his residence to the territory of the other State shall receive the benefits in kind provided by the institution of his new place of residence, provided that he is authorized to do so by the competent institution, which shall take due account of the reasons for the transfer.

3. In the cases specified in the two preceding paragraphs, benefits in kind shall be provided by the institution of the temporary or new 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, the duration of such benefits shall, however, be that prescribed by the legislation of the competent State.

4. Nevertheless, the provision of prosthesis, of large appliances and of other major benefits in kind shall be subject, except in cases of absolute urgency, to authorization by the competent institution.

5. The cost of benefits in kind provided in the cases specified in paragraphs 1 and 2 of this article shall be repaid to the institutions which provided them, in accordance with arrangements to be laid down in an administrative agreement.

6. The provisions of paragraphs 1, 2, 3 and 5 of this article shall not apply to persons in France who have sustained an industrial accident in agriculture and transfer their residence to or stay temporarily in Israel. In such cases, benefits in kind shall be provided directly by the responsible employer or by the insurer acting for him.

Article 14

In the cases specified in paragraphs 1 and 2 of the preceding article, cash benefits shall be provided in accordance with the legislation of the State concerned by the competent institution in a manner to be prescribed by agreement between the competent authorities of the two States.

Article 15

Where, for the purpose of assessing the degree of disability resulting from an industrial accident or an occupational disease, the legislation of one of the Contracting States provides that previous industrial accidents or occupational diseases shall be implicitly or explicitly taken into account, industrial accidents and occupational diseases previously sustained or contracted in the territory or under the legislation of the other State shall be taken into account by the competent institution of the first-mentioned State as though they had been sustained or contracted in its territory or under its legislation.

Article 16

1. A person who has contracted an occupational disease shall be entitled to the benefits provided under the legislation of the Contracting State in whose territory he last carried on an occupation capable of producing the disease in question.

2. Where the legislation of one Contracting State makes it a condition for the grant of occupational disease benefits that the disease in question has been medically diagnosed for the first time in its territory, that condition shall be deemed to have been fulfilled when the disease was first diagnosed in the territory of the other Contracting State.

3. Where the legislation of one Contracting State makes it a condition for the grant of occupational disease benefits that the disease concerned has been diagnosed within a specified period after the cessation of the last occupation capable of producing such disease, the competent institution of that State shall take into account to the extent necessary a like occupation carried on in the territory of the other Contracting State as if it had been carried on in the territory of the first State

4. Where the legislation of one Contracting State makes it a condition for the grant of occupational disease benefits that an occupation capable of producing such

a disease has been carried on for a specified period of time, the competent institution of that State shall take into consideration to the extent necessary periods in which a like occupation was carried on in the territory of the other Contracting State.

5. The provisions of paragraphs 3 and 4 of this article shall apply only if the person concerned has contracted sclerogenous pneumoconiosis.

The rules governing the apportionment of the cost of benefits between the Contracting States in the cases specified in paragraphs 3 and 4 of this article shall be laid down in an administrative agreement.

Article 17

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 of the Contracting States 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 competent institution of 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 competent institution of 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 competent institution of 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.

Chapter 4

FAMILY ALLOWANCES

Article 18

1. The legislation of each of the Contracting States concerning family allowances shall apply respectively to Israel nationals resident in France and to French nationals resident in Israel

2. 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 States shall be taken into account.

TITLE III

MISCELLANEOUS PROVISIONS

Article 19

The competent authorities :

- (1) Shall make such administrative arrangements as may be required for the application of the present Convention ;
- (2) Shall communicate to each other information regarding any measure taken by them for the application of the Convention ;
- (3) Shall communicate to each other, as soon as possible, information regarding any changes made under their national legislation which affect the application of the Convention.

Article 20

1. The competent authorities and the social security institutions of the two Contracting Parties shall furnish assistance to one another with regard to any matter relating to the application of the present Convention as if the matter were one affecting the application of their own national legislation.

2. The competent authorities shall, in particular, agree upon the measures to be adopted for the medical and administrative supervision of persons entitled to benefit by virtue of the present Convention.

Article 21

1. Any exemption from registration fees, court fees, stamp duties and consular fees provided for by the legislation of one Contracting State in respect of documents required to be produced to the authorities or social security institutions of that State 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 State.

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 22

Appeals which should have been presented within a prescribed time-limit to an authority or institution competent to accept appeals in matters of social security in one of the Contracting States shall be admissible if they are presented within the same time-limit to a corresponding authority or institution of the other State. In such cases, the latter authority or institution shall without delay transmit the appeal to the competent authority or institution.

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 article 23 below.

Article 23

In each of the Contracting States, the Ministers responsible, each within the limits of his competence, for the application of the schemes enumerated in article 2 shall be deemed to be the competent administrative authorities for the purposes of this Convention.

Article 24

The institutions which are liable under this Convention for the payment of benefits shall be held to discharge their liability validly by payment in the currency of their State.

Where regulations are made in either Contracting State 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 25

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 26

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

Article 27

1. All difficulties in connexion with the application of this Convention shall be resolved by agreement between the administrative authorities referred to in article 23.

2. Where it is impossible to reach a solution by this means, the dispute shall be settled by arbitration in accordance with a procedure to be arranged by the two Governments.

Article 28

1. Where payment of certain benefits has been suspended under the provisions in force in one of the Contracting States because the persons concerned were resident abroad, the said benefits shall be paid as from the date of the entry into force of this Convention. Benefits which could not be awarded to the persons concerned 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.

2. The rights of French or Israel nationals whose old-age insurance pensions were determined before the entry into force of this 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.

Provided that, where the benefit previously awarded was in the form of a lump sum, no reassessment shall be made.

Article 29

This Convention shall be approved in accordance with the constitutional provisions of each of the two States. It shall enter into force on the first day of the third month following the exchange of notices signifying that each side has complied with the said provisions.

This Convention shall remain in force for a period of one year from the date of its entry into force. 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.

In the event of the denunciation of this Convention any right acquired in accordance with its provisions shall be maintained, notwithstanding any restrictive provision made in the schemes concerned for cases where an insured person is resident abroad.

DONE in duplicate at Paris on 17 December 1965, in the Hebrew and French languages, both texts being equally authentic.

For the Government
of the State of Israel :

Walter EYTAN

For the Government
of the French Republic :

Gilbert DE CHAMBRUN