

Convention on social and medical assistance between the Member States of Western Union (Paris, 7 November 1949)

Caption: Convention on social and medical assistance aiming to extend cooperation between the Member States of Western Union in the social field. The convention was signed in Paris on 7 November 1949 and came into force on 27 April 1951.

Source: Convention on social and medical assistance between the Parties to the Brussels Treaty, Certified to be a true copy of the original document deposited in the archives of the Secretariat-General of the Brussels Treaty Permanent Commission. London: Brussels Treaty Permanent Commission, 07.10.1949. 8 p. .

Archives nationales du Grand-Duché de Luxembourg, Luxembourg. <http://anlux.lu/>, Ministère des Affaires Etrangères, 1732-1999. Ministère des Affaires Etrangères - Traités et Conventions (à partir de 1945). Convention d'Assistance Sociale et Médicale entre les Parties contractantes du Traité de Bruxelles -s. à Paris, AE TC 430.

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http://www.cvce.eu/obj/convention_on_social_and_medical_assistance_between_the_member_states_of_western_union_paris_7_november_1949-en-f12b4ba5-4203-4f44-974a-12e03237a502.html

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CONVENTION
D'ASSISTANCE SOCIALE ET MEDICALE ENTRE
LES PARTIES CONTRACTANTES DU
TRAITE DE BRUXELLES

CONVENTION
ON SOCIAL AND MEDICAL ASSISTANCE BETWEEN
THE PARTIES TO THE BRUSSELS TREATY

The Governments of Belgium, France, Luxembourg, the Netherlands and the United Kingdom of Great Britain and Northern Ireland;

Being resolved, in accordance with the purposes of the Treaty of Brussels signed on 17th March, 1948, to extend their co-operation in the social field;

Considering the importance of establishing the principle of equal treatment for the nationals of each of them in the application of legislation providing for social and medical assistance; and

Desiring to conclude a Convention to this end;

Have agreed as follows :—

ARTICLE 1

(a) Each of the Contracting Parties undertakes that nationals and persons treated as nationals (hereinafter called “nationals”) of the other Contracting Parties, who are lawfully resident in any part of its territory to which the present Convention applies, and who are without sufficient resources, shall be entitled, equally with its own nationals and on the same conditions, to social and medical assistance provided by the legislation in force in that part of its territory.

(b) For the purposes of the present Convention, “social and medical assistance” (hereinafter referred to as “assistance”) shall mean social and medical assistance provided by such legislation with the exception of non-contributory pensions and payments made by virtue of special legislation providing assistance for old, infirm or unemployed persons.

ARTICLE 2

The cost of assistance to a national of any of the Contracting Parties shall be borne by the Contracting Party in whose territory that national is lawfully resident.

ARTICLE 3

Subject to the provisions of Article 4, a Contracting Party, in whose territory a national of another Contracting Party is lawfully resident, shall not repatriate that national on the sole ground that he is in need of assistance which is likely to be prolonged and costly.

ARTICLE 4

A Contracting Party may repatriate a national resident in its territory on the sole ground mentioned in Article 3 if he fulfils all of the following conditions :—

- (a) he has resided in the territory of that Contracting Party for less than 5 years if he entered it before attaining the age of 55 years, or for less than 10 years if he entered it after attaining that age;
- (b) he is in a fit state of health to be transported; and
- (c) he has no close family ties in the territory in which he is resident.

ARTICLE 5

Nothing in the present Convention shall prejudice the right to deport on any ground other than the sole ground mentioned in Article 3.

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ARTICLE 6

The Contracting Party repatriating any national in accordance with the provisions of Article 4 shall bear the cost of repatriation as far as the frontier of the territory to which the national is being repatriated.

ARTICLE 7

Each Contracting Party undertakes to receive any of its nationals repatriated in accordance with the provisions of Article 4.

ARTICLE 8

(a) The present Convention shall apply to the following territories :—

- (i) the metropolitan territory of Belgium,
- (ii) the territory of metropolitan France,
- (iii) the territory of the Grand Duchy of Luxembourg,
- (iv) the European territory of the Kingdom of the Netherlands, and
- (v) the United Kingdom of Great Britain and Northern Ireland, except the Channel Islands and the Isle of Man.

(b) The Government of the United Kingdom may apply the present Convention (i) to the Channel Islands and (ii) to the Isle of Man by giving notice in writing to the Secretary-General of the Brussels Treaty Permanent Commission, which shall take effect on the first day of the month following that on which it is received by him.

ARTICLE 9

The specification of assistance legislation and the definition of the expression “nationals and persons treated as nationals” for the purpose of the present Convention, as well as provisions for the application of the present Convention, including the method of calculating the duration of residence and questions pertaining to repatriation, shall be determined by a supplementary agreement between the Contracting Parties.

ARTICLE 10

(a) Any disagreement between two or more of the Contracting Parties arising out of the interpretation or application of the present Convention shall be resolved by negotiation.

(b) If any such disagreement cannot be resolved by such negotiation within a period of three months from the commencement of the negotiation, the disagreement shall be submitted to arbitration by an arbitral body whose composition and procedure shall be determined by agreement between the Contracting Parties.

(c) The decision of the arbitral body shall be given in accordance with the fundamental principles and spirit of the present Convention and shall be accepted as final and binding.

ARTICLE 11

(a) The present Convention shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Secretary-General of the Brussels Treaty Permanent Commission.

(b) It shall enter into force between those signatories which have ratified it two months after the day on which the third instrument of ratification shall have been deposited and shall enter into force for each of the other signatories on the first day of the month following that in which its instrument of ratification is deposited.

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(c) The present Convention shall continue in force subject to the right of each Contracting Party to withdraw by giving notice to the Secretary-General, which shall take effect six months after its receipt by him.

(d) The Secretary-General will inform the other signatories to the present Convention of the deposit of each instrument of ratification and of each notice of withdrawal.

In witness whereof the undersigned, duly authorised by their respective Governments, have signed the present Convention and have affixed thereto their seals.

Done at Paris, the seventh November, 1949, in French and English, both texts being equally authoritative, in a single copy which shall be deposited in the archives of the Secretariat-General of the Brussels Treaty Permanent Commission and of which a certified copy shall be transmitted by the Secretary-General to each of the signatory Governments.

For the Government of Belgium :

P. VAN ZEELAND.

For the Government of the French Republic :

SCHUMAN.

For the Government of Luxembourg :

Jos. BECH.

For the Royal Netherlands Government :

D. U. STIKKER.

For the Government of the United Kingdom of Great Britain and Northern Ireland :

ERNEST BEVIN.

Copie certifiée conforme à l'exemplaire original unique en langues anglaise et française, déposé aux archives du Secrétariat Général de la Commission Permanente du Traité de Bruxelles à Londres,

Le Ministre Plénipotentiaire,
Secrétaire Général de la Commission Permanente du Traité de Bruxelles,

Certified to be a true copy of the original document deposited in the archives of the Secretariat-General of the Brussels Treaty Permanent Commission,

Minister Plenipotentiary, Secretary-General of the Brussels Treaty Permanent Commission,

