



**FORTY THIRD ORDINARY SESSION OF THE AUTHORITY  
OF HEADS OF STATE AND GOVERNMENT**

Abuja, 17 – 18 July, 2013

**SUPPLEMENTARY ACT A/SA.5/07/13 RELATING TO THE GENERAL  
CONVENTION ON SOCIAL SECURITY OF MEMBER STATES OF  
ECOWAS**

**THE HIGH CONTRACTING PARTIES;**

**MINDFUL** of Articles 7, 8 and 9 of the ECOWAS Treaty as amended establishing the Authority of heads of State and Government and defining its composition and functions;

**MINDFUL** of Article 3 of the said Treaty defining the aims and objectives of the Community;

**MINDFUL** of Chapter XI of the ECOWAS Treaty which contains provisions that underscore Member States obligations to co-operate in social, cultural and development issues and to harmonize and co-ordinate their policies and programmes in these areas;

**RECALLING** in particular Articles 60(2)(a) and 61(2)(b) under Chapter XI of the Treaty on co-operation in the area of employment and for the harmonisation of Labour and Social Security Legislations of Member States;

**MINDFUL** of Supplementary Act. A/SA.2/05/09 adopting a Labour and Employment Policy for ECOWAS;

**CONSIDERING** that the Member States undertake to cooperate with a view to mobilising the various sections of their populations to ensure their effective integration and contribution to the development of the region;

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**RECALLING** the objectives of the International Labour Organization on Equal Treatment, (1962, (N° 118) and on the Preservation of Social security Rights, (1982 (N° 157), aimed at the effective realisation of equal treatment for migrant workers and the preservation of their social security rights;

**RECALLING** the Abuja Treaty and its Protocol on Free Movement of Persons, the Right of Residence and establishment;

**RECALLING** the African Union Migration Policy Framework for Africa (Banjul 2006), particularly its sections on migrant workforce and regional integration;

**REALISING** that greater benefit would be derived from the ECOWAS Free Movement Protocols if a General Convention on Social Security was adopted for the Community;

**CONSIDERING** therefore the need to coordinate the social security programmes of Member States of ECOWAS;

**REALISING** that the implementation of the Protocol on the Free Movement of Persons, Right of Residence and Establishment may be achieved through the adoption of a General Convention on Social Security;

**DESIROUS** of restructuring the Social security Systems of Member States;

**ON THE PROPOSAL** of the meeting of ECOWAS Ministers in charge of work, labour and social affairs, which held on 7 December 2012 in Dakar;

**AFTER** the opinion of the Community Parliament;

**ON THE RECOMMENDATION** of the Seventieth Session of the Council of Ministers that held on 20<sup>th</sup> and 21<sup>st</sup> June 2013 in Abidjan;



Hereby agree as follows:

**TITLE 1: GENERAL PROVISIONS  
AND SCOPE OF APPLICATION**

**Article 1 Definitions**

For the application of this Convention:

"Authority" means the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS) established under Article 7 of the ECOWAS Treaty of 1993 as amended;

"Council of Ministers" means the Council of Ministers of ECOWAS established under Article 9 of the Treaty of the ECOWAS;

"President of the Commission" means the President of the Commission of the Economic Community of West African States;

"Convention" means this General Convention on Social Security for ECOWAS Member States established by this Supplementary Act;

"Contracting Party" means any Member State of the Economic Community of West African States which is signatory to this Convention and has deposited its instruments of ratification in keeping with the provisions of sub-paragraph 1 of Article 55, or any other State that has acceded to this Convention in keeping with Article 56;

"territory of a Contracting Party" means the national territory of each Contracting Party;

"national of a Contracting Party" means any person with the nationality of that Contracting Party;



"legislation" means any laws, regulations and statutory provisions in force at the time of signature of this Convention or which may subsequently enter into force in the territory of each Contracting Party, and which relate to the social security legislations set out in Article 2;

"competent authority" means the minister, ministers or the corresponding authority responsible for social security institutions in the territory of each Contracting Party;

"committee" means the Joint Committee of Social Security Experts referred to in Article 44;

"institution" means the authority or body responsible for enforcing all or part of the social security legislation of each Contracting Party;

"competent institution" means –

- (i) where it relates to a social insurance either the institution to which the employee is affiliated at the time of claiming benefits, or the institution responsible for disbursing his benefits, or would be entitled to benefits if he resided in that territory of the Contracting Party where that institution is located, or the institution designated by the competent authority of the Contracting Party in question;
- (ii) where it relates to a scheme concerning an employer's liability in respect of the benefits referred to in Article 2(1), either the employer or his insurer or, in default, the body or authority designated by the competent authority of the Contracting Party in question;

"provident fund" means a compulsory savings institutions A compulsory savings plan contributed to by both employee and employer to provide the employee with a lump sum based on previous contribution records on termination of employment.



"competent State" means the Contracting Party in whose territory the competent institution is situated;

"residence" means ordinary residence;

"temporary residence" means a temporary stay;

"institution of the place of residence" and "institution of the place of temporary residence" mean the institution empowered to provide benefits at the place of residence and at the place of temporary residence, according to the legislation of the contacting party which this institution applies or, where such an institution does not exist, the institution designated by the competent authority of the Contracting Party concerned;

"employed person" means any person considered as a worker under the legislation of the Contracting Party concerned;

"migrant workers" means individuals who are going to undertake, are undertaking, or have undertaken any remunerated activity in any country other than their country of citizenship.

"refugee" has the meaning assigned to it in Article 1 of the Convention relating to the Status of Refugees, signed in Geneva on 28 July 1951, and in Article 1 paragraph 2, of the Protocol relating to the Status of Refugees of 31 January 1967, without geographical limitation, as the above instruments were supplemented by the Convention of the Organisation of African Unity governing the African aspect of the status of refugees, signed in Addis Ababa on 10 September 1969;

"stateless person" has the meaning assigned to it in Article 1 of the Convention relating to Status of Stateless Persons, signed in New York on 28 September 1954;

"members of the family" means persons defined or recognised as such by the legislation applied by the institution responsible for paying benefits;

"survivors" means persons defined or recognised as such by the legislation under which benefits are awarded;



"periods of insurance" means periods of contribution or insurance recognised as defined by the legislation under which they were completed, and such other periods as are recognized by that legislation as equivalent to periods of insurance;

"periods of employment" and "periods of professional activity" means the periods defined or recognised as such by the legislation under which they were completed, and such other periods regarded as equivalent to periods of employment or of professional activity;

"benefits" means all benefits in kind and in cash provided for in the situation under consideration as well as:

- I) in the case of benefits in kind, those aimed at preventing any eventuality arising from security, functional re-adaptation and professional re-education :
- II) In the case of cash benefits, all elements charged to public funds and other increases, benefit up-rating, or supplementary allowances, and other benefits that may be used to sustain or improve earning capacity, capital benefits that may be paid in lieu of pensions or allowances and, where necessary, payments made as refund of contributions.

"family benefits" means any benefits in kind or in cash, including family allowances, to offset family maintenance costs with the exception of pensions or benefit increases provided for the family members of the beneficiaries of these pensions or benefits;

"family allowances" means regular cash benefits granted according to the number and age of children;

"accident at work" is an accident which arises out of or in the course of work involving an employee or any person working in any capacity or in any location for one or more employers, with or without any fault on his part;



"commuting accident" is an accident occurring on the habitual route, in either direction, between the place of work and the worker's principal residence and vice versa, inasmuch as the journey has not been interrupted or the path diverted for a personal reason;

"occupational diseases" refers to diseases included in the table of occupational diseases and diseases recognised as such by the social security legislation in force and includes:

- i. Morbid manifestations of acute or chronic intoxication of a worker regularly exposed to some toxic agents;
- ii. Microbial or parasitic infections that may be contracted because of the work.

"of a non- contributory nature" applies to allowances, the grant of which neither depends on direct financial contribution of protected persons or their employer, nor on a professional course, as well as on regimes that grant such allowances exclusively.

"voluntary insurance" means the authority granted to the employee who ceases to fulfil the conditions of compulsory liability to the social security scheme so as to keep his membership and enjoy the services of the social security institution, provided that the employer and employee's contributions are paid as per the set deadlines.

"optional continued insurance" means the authority granted to a self-employed person and insured with a social security scheme to subscribe to a compulsory workers' social security scheme and maintain his previously acquired rights at the time of termination of a self-employed business activity.

"unemployment benefits" means benefits temporarily paid in the event of suspension of earnings due to impossibility for the insured employee to gain a new employment.

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## **Article 2 : Material scope of application**

1. This Convention shall apply to all legislations governing the branches of social security regarding:
  - a) Disability benefits
  - b) Old age benefits;
  - c) Survivors' benefits.
  - d) Occupational diseases and work-related accidents;
  - e) Family benefits;
  - f) Maternity benefits
  - g) Health care and Sickness benefits;
  - h) Unemployment Benefits
2. This Convention shall apply to the general and special compulsory regimes of a contributory nature of the Contracting Parties, including employers' contributions and provident fund schemes in respect of the benefits referred to in the preceding paragraph. Bilateral or multilateral agreements between two or more contracting parties shall determine, whenever practicable, the conditions under which the Convention shall be applied to the provident schemes or funds instituted by collective agreements rendered compulsory by governments.
3. This Convention shall also apply to all legislations that codify, supplement or amend the social security legislation in force on the date of ratification of this Convention in the territory of each Contracting Party.
4. The application of this Convention shall be extended to all social security schemes that shall be ultimately established under the legislation of each Contracting Party.

## **Article 3: Annex on the scope of this Convention**

1. Annex I to this Convention specifies, in respect of each Contracting Party, the social security legislation and schemes referred to in Article 2.
2. Each contacting party shall give notice, in accordance with the provisions of Article 55 (1), of any amendment to be made to Annex I to this Convention as a result of the adoption of a new legislation. Such notice shall be given within three months of the date of publication of such legislation.



#### **Article 4 : Persons covered**

The provisions of this Convention shall be applicable to workers who are, or have been, subject to the legislation of one or more of the Contracting Parties and who are nationals of one of the Contracting Parties, or refugees or stateless persons who have acquired social security rights in the territory of a Contracting Party and are resident in the territory of a Contracting Party and are nationals of a Contracting Party, as well as members of their family and their survivors.

This Convention shall not apply to career diplomatic or consular staff including officials working in diplomatic circles.

#### **Article 5: Social security Conventions replaced by this Convention**

1. This Convention shall replace, in respect of persons to whom it is applicable, any social security Conventions concluded previously between the contracting parties.
2. Notwithstanding the provisions of the previous paragraph, two or more Contracting Parties may maintain in force any bilateral or multilateral convention on social security previously signed by the contracting parties, insofar as they are more advantageous than this Convention.

#### **Article 6: Equal treatment**

Persons who residing in the territory of a Contracting Party and to whom this Convention is applicable shall have the same rights and obligations under the legislation of every Contracting Party as the nationals of the latter party.

The provisions of paragraph 1 of this Article shall not adversely affect the provisions of the legislation of any Contracting Party regarding the interested parties' participation in the administration or competent jurisdictions on social security.

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### **Article 7: Admission to voluntary insurance**

Where the legislation of a Contracting Party makes the admission to voluntary insurance conditional upon the completion of periods of insurance, the institution applying that legislation shall, to that end and for the purpose of aggregating the period, take account of the periods of insurance completed under the legislation of any other Contracting Party, as if they were periods of insurance completed under the legislation of the first party.

### **Article 8: Removal of territorial restrictions, and impact on the reimbursement of contributions**

- 1) Invalidity, old-age or survivors', maternity, sickness, unemployment cash benefits, pensions in respect of occupational accidents or diseases, and family benefits, payable under the legislation of one or more of the Contracting Parties shall not be liable to any reduction, modification, suspension, removal or forfeiture by reason of the fact that the employed person, his family members or his survivors are resident in the territory of a Contracting Party other than that in which the institution liable for payment is situated.
- 2) the Contracting Parties shall settle, through bilateral or multilateral agreements, the payments of the benefits referred to in the preceding paragraph which are due to persons admitted to benefit from the provisions of this Convention, when such persons reside in the territory of a State that is a non-Contracting Party.
- 3) Where the legislation of a Contracting Party makes the reimbursement of employee contributions conditional upon the person concerned having ceased to be subject to compulsory insurance, that condition shall not be regarded as fulfilled insofar as that employee is subject to compulsory insurance under the legislation of any other Contracting Party.

### **Article 9 Up-rating of benefits**

The rules for an upward review or increase in benefits envisaged in the legislation of a Contracting Party shall be applicable to benefits payable under such legislation to nationals of any Contracting Party in accordance with the provisions of this Convention.



### **Article 10 Non-cumulation of benefits**

- 1) Only in the case of invalidity, old-age, survivors or occupational disease benefits that are paid by the institutions of two or more of the Contracting Parties in conformity with the provisions of Article 17 or Article 33(b) shall this Convention confer or maintain the right to several benefits of the same nature or to several benefits relating to the same period of compulsory insurance
- 2) Provisions in the legislation of a Contracting Party for the reduction, suspension or removal of benefits where there is undue plurality with other benefits or other income, or because the person otherwise entitled is in an occupational activity, shall apply also to a beneficiary even in respect of benefits acquired under the legislation of another Contracting Party or of income obtained or occupational activity undertaken in the territory of another Contracting Party. However, in applying this rule, no account shall be taken of benefits of the same nature awarded in respect of invalidity, old-age, survivors or occupational disease by the institutions of two or more Contracting Parties in accordance with the provisions of Article 17 or of Article 33(b).

### **TITLE II – PROVISIONS GOVERNING THE APPLICABLE LEGISLATION**

#### **Article 11 General rules**

- 1) Employed persons shall be subject to the legislation of one Contracting Party only. That legislation shall be determined in accordance with the rules set out in the following paragraphs of this Article.
- 2) Workers employed in the territory of a Contracting Party shall be subject to the legislation of that party, even if they are resident in the territory of another Contracting Party or if the company or the employer that employs them has its headquarters, or resides, in the territory of another Contracting Party.

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These provisions shall apply to members of the service staff of diplomatic missions or consular posts and to persons employed in the private service of officials of such missions or posts, without prejudice to the provisions of Article 4(2).

- 3) Staff of one of the Contracting Parties as well as persons treated as such shall be subject to the legislation of the administration of the Contracting Party that employs them.
- 4) Employed persons who ply their occupational activity on board a ship flying the flag of a Contracting Party shall be subject to the legislation of that party.

#### **Article 12 Exceptions**

1. The following exceptions or particularities shall apply to the rule laid down in Article 11(2):

(a)

- (i) Persons employed in the territory of a Contracting Party by an undertaking which is their regular employer, who are sent by that undertaking to work for it in the territory of another Contracting Party, shall remain subject to the legislation of the country in whose territory the undertaking has its headquarters, insofar as the expected duration of the work does not exceed six months, and they are not sent to replace other employed persons that have ended the period of their secondment;
- (ii) If the work to be carried out continues because of unforeseeable circumstances for a period longer than originally intended and exceeding six months, the legislation of the first party shall remain applicable until the work is completed, subject to the agreement of the competent institution of the second Party;

(b)

- i) International transport workers working in the territory of two or more Contracting Parties as rail or flight personnel for an undertaking which carries out, on behalf of others or for his own account, transport services for passengers or goods by rail, road, air or inland waterway, shall be subject to the legislation of the Contracting Party in whose territory the undertaking has its headquarters;



ii) However, if they are employed by a branch or permanent representation which the said undertaking has in the territory of a Contracting Party other than the party in whose territory it has its headquarters, they shall be subject to the legislation of the Contracting Party in whose territory the branch or permanent representation is located.

iii) If they are employed mainly in the territory of the Contracting Party where they are resident, they shall be subject to the legislation of that party, even if the undertaking, which employs them, has neither its registered office nor a branch or permanent representation in that territory.

i) Salaried workers other than those in international transport who normally ply their occupation in the territory of two or more Contracting Parties shall be subject to the legislation of the Contracting Party in whose territory they reside if their occupation is carried out partly in that territory or if they are employed by several undertakings or by several employers having their registered offices or their places of residence in the territory of different Contracting Parties.

(ii) In the other cases, they shall be subject to the legislation of the Contracting Party in whose territory the undertaking that employs them has its registered office or is domiciled.; this legislation is applicable to them as if they carry on the territory of that Party.

(2). The rule dealt with in 11(4), shall comprise the following exceptions:

(i) Workers employed by an undertaking they normally work in, either on the territory of a Contracting Party or on board a ship flying the flag of a Contracting Party, which are detached by that undertaking to carry out work on its behalf on board a ship flying the flag of another Contracting Party, shall remain subject to the legislation of the first Party subject to the conditions set out in subparagraph a) of this article;

(ii) Workers normally carrying out their activity in the territorial waters or in the port of a Contracting Party, on a ship flying the flag of another Contracting Party, without belonging to the crew of that ship, shall be subject to the legislation of the first Party;



(iii) Employees working on board a ship flying the flag of a Contracting Party, who are paid for the work by an undertaking or a person with headquarters or place of work on the territory of another Contracting Party, shall be submitted to the legislation of the last Party where they have their residence on the territory; the undertaking or the person who pays the remuneration shall be considered as the employer for the application of the said legislation.

- (3). Where by virtue of paragraphs 1 and 2 of this Article, an employee is subject to the legislation of a Contracting Party on whose territory he does not engage in occupational activity, that legislation shall be applicable to him as if he plied an occupational activity in the territory of that party.

**Article 13 Rules applicable to voluntary or optional continued insurance**

1. The provisions of Articles 11 and 12 shall not apply to voluntary or continued voluntary or optional continued insurance. In that case, the employee shall maintain the freedom of becoming affiliated to a legislation of his choice.

2. Where the application of the legislations of two or more contracting parties would result in affiliation to a compulsory insurance scheme and at the same time, permit membership of one or more voluntary insurance schemes, the person concerned shall be admitted solely to the compulsory insurance scheme. However, in case of old age, incapacity and death, the provisions of the legislation of any Contracting Party enabling the cumulation of affiliation to continued voluntary or compulsory insurance shall not be infringed upon.

3. Where the application of the legislations of two or more Contracting Parties has the effect of permitting the admission to two or more continued voluntary or compulsory insurance schemes, the person may not be admitted to the continued voluntary or compulsory insurance scheme of the legislation of the Contracting Party to which it was last submitted.

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#### **Article 14 Exceptions to Articles 11 to 13**

The competent authorities of the contracting parties may by mutual agreement make exceptions to the provisions of Article 11 and 13 in favour of the persons in question.

### **TITLE III. SPECIAL PROVISIONS GOVERNING THE VARIOUS CATEGORIES OF BENEFITS**

#### **CHAPTER 1. INVALIDITY, OLD-AGE AND SURVIVORS' BENEFIT**

##### **Section 1. Common Provisions**

#### **Article 15 Principle of coordination**

Where an employed person has been subject successively or alternatively to the legislations of two or more Contracting Parties, the employee or his beneficiaries shall benefit from benefits in conformity with the provisions set out in this article.

#### **Article 16 Aggregation of periods of insurance**

Where the legislation of a Contracting Party makes the acquisition or maintenance of entitlement to benefits conditional upon the completion of periods of insurance, the institution that applies that legislation shall, to that end and for the purpose of aggregation, take account of the periods of insurance completed under the legislation of any other Contracting Party, as if they were periods completed under the legislation of the first party.

#### **Article 17 Time proportional allocation**

1. The institution of each Contracting Party to whose legislation the employee concerned has been subject, shall determine in accordance with the legislation it applies, whether the person concerned satisfies the conditions for entitlement to benefits, having regard, where appropriate, to the provisions of Article 16(1).



2. If the person concerned satisfies those conditions, the said institution shall calculate the theoretical amount of the benefit he could claim if all the periods of insurance completed under the legislation of the contracting parties concerned and taken into account in accordance with the provisions of Article 16(1) had been completed exclusively under the legislation it applies.

3. However, in the case of benefits, the amount of which does not depend on the duration of the periods of insurance completed, that amount shall be considered the theoretical amount referred to in the preceding paragraph.

4. The said institution shall subsequently fix the actual amount of the benefit payable by it to the person concerned, on the basis of the theoretical amount calculated in accordance with the provisions of paragraph 2(3) of this Article, as appropriate, in proportion to the duration of the periods of insurance completed before the eventuality arose, under the legislation which it applies, to the total of the periods of insurance completed before the eventuality arose under the legislation of all the contracting parties concerned.

5. Where the legislation of a Contracting Party provides that the amount of benefit or certain parts thereof shall be proportional to the periods of insurance completed, or be calculated on the basis of retirement points, the competent institution of that party may calculate those benefits or parts thereof directly, solely on the basis of the periods completed under the legislation it applies, notwithstanding the provisions of paragraphs (2) and (4) of this Article.

**Article 18 Basis for the calculation of benefits, and consideration of family members**

(1). For the calculation of the theoretical amount referred to in Article 17, paragraph 2 of this Convention, the following provisions shall apply:

- (a) where the legislation of a Contracting Party provides that benefits shall be calculated on the basis of average earnings, or on the ratio between the gross earning of the person in question and the average of the gross earning of all the insured during the periods of insurance; such average earnings shall be determined by the competent institution of that party, or of the gross earning paid to the person in question solely during those periods;

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- (b) where the legislation of a Contracting Party provides that benefits shall be calculated on the basis of the amount of earnings or contributions, the earnings or contributions to be taken into account by the competent institution of that party, in respect of periods completed under the legislation of other contracting parties, shall be determined on the basis of the average earnings or contributions relating to the periods completed under the legislation of the first-mentioned party.
- (c) Where the legislation of a Contracting Party provides that the benefits shall be calculated on fixed earnings or a fixed amount, the earnings or the amount to be taken into consideration by the competent institution of that party in respect of periods completed under the legislation of other contracting parties, shall be equal to the fixed earnings or fixed amount corresponding to the periods completed under the legislation of the first party;
- (d) If the legislation of a Contracting Party is not the last legislation to which the employed person has been subject and where, according to that legislation, the earnings to be taken into account shall be those received during a specified period prior to the date on which the pension becomes payable.
- (i) the date on which the employee ceased to be subject to that legislation shall be considered for this purpose to be the date on which the pension becomes payable;
  - (ii) the earnings shall be adjusted according to the percentages and on the basis of the deadlines fixed by the said legislation for the adjustment of the minimum salary, where that legislation does not provide for the re-adjustment of such earnings; However, only the previous earnings at the beginning of a period equal to that used in calculating the average earnings shall be adjusted, but completed as from the date of pension admissibility.

2. Where the legislation of a Contracting Party provides that the amount of benefits shall vary with the number of members of the family, the competent institution of that party shall also take account of the members of the family resident in the territory of another Contracting Party, as if they were resident in the territory of the first party.

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### **Article 19 Periods of less than one year insurance**

1. Notwithstanding the provisions of Article 17, where the total duration of the periods of insurance completed under the legislation of a Contracting Party is less than one year and where, taking only those periods into account, no entitlement to benefits exists under that legislation, the institution of the said party shall not be bound to grant benefits in respect of such periods.

2. The periods referred to in the preceding paragraph shall be taken into account by the institution of each of the other Contracting Parties concerned, for the purpose of the application of the provisions of Article 17, with the exception of those of paragraph 4 thereof.

3. However, where the application of paragraph 1 of this Article would have the effect of relieving all the institutions concerned of the obligation to award benefits, the benefits shall be awarded exclusively under the legislation of the last Contracting Party whose conditions are fulfilled by the person concerned, regard being had to the provisions of article 16, as if all the periods referred to in paragraph 1 of this Article had been completed under the legislation of that party.

### **Article 20 benefits becoming payable successively**

1. If the person in question does not, at a given time, satisfy the conditions required by all the legislations of the Contracting Parties concerned, regard being had to the provisions of Article 16, but satisfies the conditions of the legislation of only one or more of them, the following provisions shall apply:

- (a) The amount of the benefits payable shall be calculated in accordance with the provisions of Article 17(2) to (5) as the case may be, by each of the competent institutions applying a legislation whose conditions are fulfilled;
- (b) However
  - (i) If the person in question satisfies the conditions of at least two legislations without any need to include periods of insurance completed under the legislations whose conditions are not fulfilled, such periods shall not be taken into account for the purpose of applying the provisions of Article 17(2) to (4);



- (ii) If the person in question satisfies the conditions of one legislation only, without any need to invoke the provisions of Article 16, the amount of the benefits payable shall be calculated solely in accordance with the provisions of the legislation whose conditions are fulfilled, taking account of periods completed under that legislation.

2. Benefits awarded under one or more of the legislation concerned in the case referred to in the preceding paragraph shall be recalculated ex officio, in accordance with the provisions of Article 17(2) to (5) as the case may be, as and when the conditions prescribed by one or more of the other legislations are fulfilled, regard being had, where appropriate, to the provisions of Article 16.

#### **Article 21 proportional supplement**

1. Where the amount of the benefits a person would be entitled to claim under the legislation of a Contracting Party, disregarding the provisions of Articles 16 to 20, is greater than the total benefits payable in accordance with those provisions, the competent institution of that party shall pay a supplement equal to the difference between the two amounts, and shall bear the total cost thereof.

2. Where the application of the provisions of the preceding paragraph would have the effect of entitling the person concerned to supplements from the institutions of two or more contracting parties, he shall receive exclusively the largest complement, and the cost of that complement shall be apportioned among the competent institutions of the contracting parties, concerned according to the ratio between the amount of the supplement which each of them would have to pay if it alone had been concerned and the amount of the combined supplement which all those institutions would have had to pay.

3. The supplement referred to in the preceding paragraphs of this Article shall be regarded as a component of the benefits provided by the institution liable for payment. Its amount shall be determined once and for all, except where it may be necessary to apply the provisions of Article 20(2).

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## **Section 2. – Special provisions on invalidity benefits**

### **Article 22 Recognition of decisions concerning the degrees of invalidity**

Decisions recognizing the degree of invalidity of the claimant taken by the institution of a Contracting Party shall be binding on the institution of any other Contracting Party.

### **Article 23 aggravation of invalidity**

1. In the event of an aggravation if any invalidity for which an employee is receiving benefit under the legislation of one Contracting Party only, the following provisions shall apply:

- (a) if the person concerned has not been subject to the legislation of another party since he began to receive benefit, the competent institution of the party shall be bound to take the aggravation into account when awarding benefit, in accordance with the provisions of the legislation which it applies;
- (b) if the person concerned has become subject to the legislation of one or more other contracting parties since he began to receive benefit, the aggravation shall be taken into account when awarding benefit in accordance with the provisions of Article 16 to 21;
- (c) in the case referred to in the preceding subparagraph, the date on which the aggravation was demonstrated shall be regarded as the date on which the contingency arose;
- (d) if, in the case referred to in subparagraph (b) of this paragraph, the person concerned is not entitled to benefit from the institution of the first party, the competent shall, considering the aggravation, be bound to awarding the benefits in accordance with the provisions of the legislation which it applies.

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2. In the event of aggravation of any invalidity for which an employed person is receiving benefit under the legislation of two or more contracting parties, the aggravation shall be taken into account, when awarding benefit, in accordance with the provisions of Article 16 to 21. The provision of subparagraph © of the preceding paragraph shall apply mutatis mutandis.

**Article 24 resumed payment of benefit after suspension or suppression**

1. Where, after the suspension of benefits, payment thereof is to be resumed, this shall be done by the institution or institutions which were liable for payment of the benefits at the time of their suspension, without prejudice to the provisions of Article 25.

2. Where, after the suppression of benefits, the state of health of the person concerned justifies the award of further benefits, such benefits shall be awarded in accordance with the provisions of Article 16 to 21.

**Article 25 conversion of invalidity benefit into old-age benefit**

1. Invalidity benefit shall, where appropriate, be converted into old-age benefit, on conditions prescribed by the legislation under which they have been awarded and in accordance with the provisions of Articles 16 to 21.

2. Where, in the case referred to in Article 20, a recipient of invalidity benefit payable under the legislation of one or more contracting parties becomes entitled to old-age benefit as provided for under article 20,, any institution liable for the payment of invalidity benefit shall continue to pay the recipient the benefit to which he is entitled under the legislation which it applies until such time as the provisions of the preceding paragraph become applicable in respect of that institution.

**CHAPTER II. BENEFITS IN RESPECT OF OCCUPATION INJURIES AND DISEASES**

**Article 26 Derogations from the principle of territoriality**

An occupational accident on the territory of a Contracting Party other than the competent State shall be regarded as having occurred in the territory of the competent State.



An accident that occurs on the way to work on the territory of a Contracting Party other than the competent shall be regarded as having occurred on the territory of the competent authority.

1. Employees residing on the territory of a Contracting Party other than the competent state, who are victims of a work accident or professional illness, shall benefit on that territory:

- a. from benefits in kind at the expense of the competent institution by the institution at the place of residence, according to the provisions of the legislation being applied by the latter institution, as if they were affiliated thereto ;
- b. from benefits in cash at the expense of competent institution in accordance with the provisions of the legislation it applies, as if they reside on the territory of the competent State. However, after agreement between the competent institution and the institution of the place of residence, the benefits in cash may equally be awarded through the intermediary of the latter institution on behalf of the competent institution.

2. Where the employees referred to under this article reside on the territory of the competent state, they shall be accorded the benefits in accordance with the provisions of that state's legislation as if they reside on its territory, even if they were accorded the benefits before the beginning of their stay.

3. Where the employees referred to in this article transfer their residence to the territory of the competent state, they shall be accorded the benefits in accordance with the legislation of that state even if they were accorded the benefits before the transfer of their residence, subject to the prior agreement of the competent institution.

**Article 27 provision of short-term benefits in the case of residence or stay outside the territory of the competent State**

1. Victims of an occupational accident or of an occupational disease
  - (a) who is resident in the territory of a Contracting Party other than the competent State or



(b) who, having become entitled to benefits payable by the competent institution, is authorised by that institution to return to the territory of a Contracting Party other than the competent State where he is resident, or to transfer his residence to the territory of a Contracting Party other than the competent State or

(c) who is authorised by the competent institution to go to the territory of a Contracting Party other than the competent state in order to receive the treatment required by his condition, shall receive:

- (i) benefits in kind provided at the expense of the competent institution by the institution of the place of residence or temporary residence, in accordance with the provisions of the legislation applied by the latter institution, as if he were affiliated to it;
- (ii) cash benefits, paid by the competent institution, in accordance with the provisions of the legislation which it applies, as if he were in the territory of the competent State. However, by agreement between the competent institution and the institution of the place of residence or temporary residence, cash benefits may be paid through the latter institution on behalf of the competent institution.

2. (a) The authorisation referred to in subparagraph (c) of the preceding paragraph may be refused only if the move might prejudice the health or the course of medical treatment of the person concerned.

(b) The authorisation referred to in subparagraph (b) of the preceding paragraph shall not be refused when the requisite treatment cannot be given in the territory of the Contracting Party in which the person concerned resides.

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**Article 28 Prior authorisation for the supply of major benefits in kind**

In the cases referred to in paragraph 1 of Article 27, the competent authorities of the contracting parties may agree to make the supply of prosthetic appliances, major aids and other major benefits in kind by the institution of the place of residence or temporary residence conditional upon the prior authorisation of the competent institution.

**Article 29 Cost of transport of the injured person or his body**

1. Where the legislation of the competent State provides for the payment of the cost of transporting the injured person to his place of residence or to hospital, the cost of transport to the corresponding place in the territory of another Contracting Party where he is resident shall be borne by the competent institution, in accordance with the provisions of the legislation which it applies, provided that it has given prior authorisation for the said transport, due account being taken of the reasons justifying it.

2. Where the legislation of the competent State provides for the payment of the cost of transporting the body of a deceased injured person to the place of burial, the cost of transport to the corresponding place in the territory of another Contracting Party where the deceased was resident shall be borne by the competent institution, in accordance with the provisions of the legislation which it applies.

**Article 30 Assessment of incapacity in the event of successive injury**

Where the legislation of a Contracting Party provides that previous occupational injuries or diseases shall be taken into consideration in order to assess the degree of incapacity, the competent institution of that Contracting Party shall also take into consideration, to this end, the occupational injuries and diseases which have previously been recognised as such under the legislation of any other Contracting Party, as if they had occurred under the legislation which it applies.

**Article 31 Calculation of cash benefits**

1. Where the legislation of a Contracting Party provides that the calculation of cash benefits shall be based on average earnings, the competent institution of that party shall determine those average earnings exclusively on the basis of the earnings recorded during the periods completed under the said legislation.

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2. Where the legislation of a Contracting Party provides that the amount of cash benefits shall vary with the number of members of the family, the competent institution of that party shall take account also of members of the family resident in the territory of another Contracting Party, as if they were resident in the territory of the first party.

**Article 32 Exposure to the risk of occupational disease under the legislation of several contracting parties**

1. If an employed person contracts an occupational disease after having been engaged in an occupation likely to cause that disease under the legislation of two or more contracting parties, the benefit for which he or his survivors may be entitled shall be awarded exclusively under the legislation of the last of the said parties, the conditions of which they fulfil, regard being had, where applicable, to the provisions of paragraph 2, 3 and 4 of this Article.

2. Where the legislation of a Contracting Party makes the right to benefit for occupational diseases conditional upon the disease in question being diagnosed within a specified period after the termination of the last occupation liable to cause such a disease, the competent institution of that party, when ascertaining the time at which the occupation in question was engaged in shall, to the extent necessary, take account of any occupation of the same kind engaged in under the legislation of any other Contracting Party, as if it had been engaged in under the legislation of the first party.

3. Where the legislation of a Contracting Party makes entitlement to benefit for occupational diseases conditional upon an occupation liable to cause the disease in question having been pursued for a specific period, the competent institution of that party shall, to the extent necessary, take account, for the purpose of adding periods together, of periods during which such an occupation was followed in the territory of any other Contracting Party.

4. Where the legislation of a Contracting Party makes the right to benefit for occupational diseases conditional upon the disease in question being first diagnosed in its territory, that condition shall be deemed to have been fulfilled if this disease was first diagnosed in the territory of another Contracting Party.

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**Article 33    Aggravation of an occupational disease for which benefit has been awarded**

Where an employed person, having contracted an occupational disease has received or is receiving compensation from the institution of a Contracting Party and in the event of an aggravation of his condition claims benefit from the institution of another Contracting Party, the following provisions shall apply:

1. where the employed person has not engaged, under the legislation of the second party, in an occupation liable to cause or aggravate the disease in question, the competent institution of the first party shall bear the cost of the benefits, taking the aggravation into account in accordance with the provisions of the legislation which that institution applies;
2. Where the employed person has engaged in such an occupation under the legislation of the second party, the competent institution of the first party shall bear the cost of the benefit, leaving the aggravation out of account, in accordance with the provisions of the legislation which it applies; the competent institution of the second party shall award to the person concerned a supplementary benefit, the amount of which shall be equal to the difference between the amount of the benefit due after the aggravation and the amount of the benefit that would, in accordance with the provisions of the legislation which that institution applies, have been due before the aggravation if the disease in question had been contracted under the legislation of that party.

**Article 34:    Refunds between institutions**

1. The competent institution shall be bound to refund the cost of benefits in kind provided on its behalf by the institution of the place of residence or temporary residence by virtue of the provisions of Article 27, paragraph 1.
2. The refund referred to in the preceding section shall be made by the competent institution, at rates to be determined on the basis of the tariffs in force in the territory of the Contracting Party where the institution of the place of residence or temporary residence is situated.



3. The contracting parties may agree that there shall be no refunds between the institutions in their jurisdiction.

### **CHAPTER III. FAMILY AND MATERNITY BENEFITS**

#### **Article 35 taking account of periods of insurance or employment for the acquisition of benefit entitlement**

Where the legislation of a Contracting Party makes the acquisition of entitlement to family and maternity benefits conditional upon the completion of periods of insurance or employment, the institution which applies that legislation shall, to that end, for the purpose of adding periods together, take account of periods of insurance or employment completed under the legislation of any other Contracting Party, as if they were periods completed under the legislation of the first party.

#### **Article 36 provision of maternity benefit in the case of residence or temporary residence outside the competent State**

Employed women who are resident or temporarily resident in the territory of a Contracting Party other than the competent state shall receive daily maternity benefits in the territory of that party. These benefits shall be paid by the competent institution in accordance with the legislation which it applies, as if the persons concerned were resident or temporarily resident in the territory of the competent State. However, by agreement between the competent institution and the institution of the place of residence, the benefits may be paid through the latter institution on behalf of the competent institution; in this case, the mother of the child shall receive the medical services provide under the legislation of the Contracting Party in the territory of which the persons concerned are resident.

#### **Article 37 provision of family benefits in respect of members of the family who are resident outside the competent State**

1. Employed persons who are subject to the legislation of a Contracting Party shall receive, in respect of the members of their family who are resident in the territory of another Contracting Party, the family benefits provided under the legislation of the first party, as if these members of the family were resident in the territory of that party.

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2. Where the legislation of a Contracting Party provides that entitlement to family benefits shall be maintained for persons receiving a pension, for retired persons and for the surviving spouses or for unemployed persons, the provisions of the preceding paragraph shall apply mutatis mutandis.

3. Where an employed person satisfies the condition for entitlement to benefit prescribed by the legislation of the competent State, regard being had, where appropriate, to the provisions of 'article 35, the members of his family who are resident in the territory of a Contracting Party other than the competent State shall receive the health and welfare services provided by the institution of the place of residence, in accordance with the provisions of the legislation which it applies, as if the employed person were affiliated to that institution.

#### **CHAPTER IV: HEALTHCARE AND SICKNESS BENEFITS**

##### **Article 38 : Derogation from the principle of territoriality**

Persons satisfying the conditions required by the legislation of the competent State to be entitled to sickness benefits considering, if need be, the provisions of Article 16, and

(a) whose condition immediately requires benefits during their stay on the territory of a Contracting Party other than the competent State or ;

(b) who, after admission to benefits payable by the competent institution, shall be authorized by that institution to return to the territory of a Contracting Party other than the competent State where they reside, or to transfer their residence to the territory of a Contracting Party other than the competent State, or

(c) who are authorized by the competent authority to move to the territory of a Contracting Party other than the competent State, to be given the appropriate care for their condition,

Shall benefit:

- from benefits in kind, services to be borne by the competent authority by the competent institution of the place of temporary residence or residence, in accordance with the provisions of the legislation the latter applies, as if those persons were affiliated there; within the limit of the fixed period, if need be, by the legislation of the competent State,

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- from benefits in cash borne by the competent institution in accordance with the provisions of the legislation applied by the latter, as if those persons were on the territory of the competent State.

However, after agreement between the competent institution and the institution of the place of stay or residence, the benefits in cash may equally be paid by the intermediary of that last institution on behalf of the competent institution.

#### **Article 39 : Prior authorization**

The authorization referred to in Article 38(b) may be rejected only where the movement of the person concerned health is such as would comprise his state of health or the delivery of medical treatment.

The authorization referred to in Article 38(c) may not be rejected when the care in question may not be dispensed to the person in question in the territory of the Contracting Party where he resides.

#### **Article 40 : Cover for family members**

The provisions of Articles 38 and 39 shall be applicable by analogy to the family members with regard to the enjoyment of benefits in kind.

### **CHAPTER V**

#### **UNEMPLOYMENT INSURANCE BENEFITS**

#### **Article 41 Provisions relating to the granting of unemployment benefits**

Unemployed persons who meet the conditions required by the legislation of a Contracting Party in order to qualify for unemployment benefits after completing their insurance periods and who transfer their residence to the territory of a Contracting Party, shall also be expected to satisfy de facto the conditions prescribed by the legislation of the second party to qualify for the benefits, provided they apply to the institution of their new place of residence within thirty days of their transfer of residence.

The benefits shall be provided by the institution of the place of residence in accordance with the provisions of the legislation which this institution administers at the expense of the competent institution of the first party.

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**TITLE IV. PROVISIONS CONCERNING THE MAINTENANCE OF RIGHTS BETWEEN PROVIDENT FUNDS INSTITUTIONS AND PROVIDENT FUNDS**

**Article 42 successive affiliation to a provident fund and to another provident fund or a pensions institution**

1. Where an employed person ceases to be subject to the legislation of a Contracting Party under which he has been registered with a provident fund, before the occurrence of a contingency entitling him to obtain the payment of the amount credited to his account, he may, upon request, either withdraw the total amount payable or have it transferred to the institution to which he is affiliated in the territory of the Contracting Party to whose legislation he has now become subject.
2. If the institution is itself a provident fund, the amount transferred shall be credited to the account opened by this institution in the name of the person concerned.
3. If the institution referred to in paragraph 1 of this Article is competent in respect of persons, the amount transferred shall be paid to the institution concerned in order to enable the person concerned to buy back periods for the purpose of acquiring or improving his rights to benefits under the legislation applied by this institution. The method of buying back periods shall be determined according to appropriate actuarial criteria either in accordance with the provisions of that legislation or by mutual agreement between the contracting parties concerned.

**Article 43 Case of successive affiliation to a pension institution and to a provident fund**

Where an employed person ceases to be subject to the legislation of a Contracting Party under which he had been affiliated to a pension scheme in order to move to the territory of another Contracting Party under whose legislation he is registered with a provident fund, before having acquired the right to a pension under the legislation of the first party, the pension rights in course of acquisition of this employed person for himself and his survivors shall be maintained until the conditions required for the receipt of the pension are satisfied. Failing this, the amount of the contributions paid by this employed person or on his behalf shall be transferred to the provident fund under conditions fixed by mutual agreement between the parties concerned.



## TITLE V. COMMITTEE OF EXPERTS ON SOCIAL SECURITY

### Article 44 Composition of the Committee

1. A Committee of Experts on Social security shall be set up by the ECOWAS Commission
2. The Committee shall comprise two representatives of each Contracting Party, including the National Director responsible for Social Security and a representative of institutions that operate national compulsory social security schemes. Where there are several national institutions responsible for the management of compulsory contributory social security schemes, the ECOWAS Commission shall invite the heads of these institutions to meetings of the Committee of Experts.
3. The Committee shall receive technical assistance from the International Labour Office and from any other technical partner.

### Article 45 Tasks of the Committee

1. The Committee shall handle all administrative matters and questions of interpretation arising from the provisions of this Convention and from the Administrative arrangement referred to in Article 63, without prejudice to the right of the authorities, institutions and the persons concerned to have recourse to the procedures and tribunals provided for by the legislation of the Contracting Party.
2. Models of certificates, statements, declarations, claims and other documents required for the application of the Convention and the Arrangement referred to in Article 63 shall be prepared by the Committee.
3. The Committee, at the request of the competent authorities of any Contracting Party, shall assemble information on the provisions of the legislations to which this Convention applies.
4. The Committee shall prepare leaflets for the purpose of informing the persons concerned of their rights and of the administrative formalities with which they must comply in order to secure them.

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5. The Committee shall foster and develop cooperation between the contracting parties in the field of social security in the interest of migrants and the members of their family.

6. The Committee shall put forward proposals for the review of this Convention and of the administrative arrangement referred to in Article 63.

## **TITLE VI. MISCELLANEOUS PROVISIONS**

### **Article 46 Mutual administrative assistance**

1. The competent authorities of the contracting parties shall communicate to each other:

- (a) all information regarding measures taken by them for the application of this Convention;
- (b) all information regarding their legislations and subsequent changes in those legislations;
- (c) all statistical information regarding the beneficiaries and the amount of benefit provided under this Convention.

2. For the purpose of applying this Convention, the authorities and institutions of the Contracting Parties shall assist one another as if it were a matter of applying their own legislation. In principle, the administrative assistance provided by the said authorities and institutions to one another shall be free of charge. However, the competent authorities of the contracting parties may agree to reimburse certain expenses.

3. For the purpose of applying this Convention the authorities and institutions of the contracting parties may communicate directly with one another and with the beneficiaries concerned or their representatives.

### **Article 47 Tax exemption or tax reduction**

Any exemption from, or reduction of, taxes, stamp duty, legal dues or registration fees provided for in the legislation of one Contracting Party in connection with certificates or documents required to be produced for the purposes of the legislation of that party shall be extended to similar certificates and documents to be produced for the purposes of the legislation of another Contracting Party or of this Convention.

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#### **Article 48 Claims, declarations and appeals**

1. Where a claimant is resident in the territory of a Contracting Party other than the competent State, he may present his claim validity to the institution of his place of residence, which shall forward it to the institution or the institutions referred to in the claim.
2. Any claim, declaration or appeal that should have been submitted under the legislation of a Contracting Party within a specified time to an authority, institution or jurisdiction of that party shall be admissible if it is submitted within that time-limit to an authority, institution or jurisdiction of another Contracting Party; in such event the authority, institution or jurisdiction receiving the claim, declaration or appeal shall forward it to the authority, institution or jurisdiction of the first party, either directly or through the competent authorities of the contracting parties concerned. The date on which any claim, declaration or appeal was submitted to an authority, institution or jurisdiction of the second party shall be deemed to be the date of its submission to the competent authority, institution or jurisdiction.

#### **Article 49 Medical examination**

Medical examinations prescribed by the legislation of one Contracting Party may be carried out at the request of the institution which applies that legislation in the territory of another Contracting Party by the institution of the place of temporary residence or residence. In such event, they shall be deemed to have been carried out in the territory of the first party.

#### **Article 50 Financial transfers and payment currencies**

1. Where, under this Convention, the institution of a Contracting Party is liable to pay cash benefits to a beneficiary who is in the territory of another Contracting Party, its liability shall be expressed in the currency of the first party. That institution shall validly discharge its liability in the currency of the second party, using any appropriate method of payment.



2. Where, under this Convention, the institution of a Contracting Party is liable to pay sums in refund of benefits provided by the institution of another Contracting Party, its liability shall be expressed in the currency of the second party. The first institution may validly discharge its liability in that currency, unless the contracting parties concerned have agreed on other settlement arrangements.

3. Transfers of funds, which result from the application of this Convention, shall be made in accordance with the relevant agreements in force between the contracting parties concerned at the date of transfer. Failing such agreement the arrangements for making such transfers shall be agreed between the said parties.

#### **Article 51 Recovery of contributions**

1. The recovery of contributions and fines due to the institution of a Contracting Party may be affected in the territory of another Contracting Party in accordance with the administrative procedure, and subject to the guarantees and privileges applicable to the recovery of contributions and fines due to a corresponding institution of the latter party.

2. The application of the provisions of the preceding paragraph between the contracting parties shall be conditional upon the conclusion agreements between the said parties. Such agreements shall also deal with the legal procedure for the recovery of sums due to the competent institutions of the contracting parties.

#### **Article 52 Recourse against third parties**

1. Where a person is receiving benefits under the legislation of a Contracting Party in respect of an injury sustained in the territory of another Contracting Party, the rights of the institution liable to pay benefits against the third party liable to pay damages shall be regulated in the following manner:

- (a) Where the paying institution under the legislation applicable to it, is substituted for the beneficiary in any rights which he may have against the third party, such substitution shall be recognised by every other Contracting Party;



(b) Where the said institution has a direct right against the third party, such right shall be recognised by every other Contracting Party.

2. The rules governing the liabilities of employers or their agents in the case of occupational injuries or accidents on the way to or from work that occur in the territory of the Contracting Party other than the competent State shall be determined according to the legislation the competent institution of the said State applies.

#### **Article 53 Disputes between contracting parties**

1. Any dispute arising between two or more contracting parties as to the interpretation or application of this convention shall first be subject to negotiations between the parties to the dispute.

2. Where the dispute cannot be resolved through negotiations, the parties to the dispute shall jointly, appoint an arbitration body composed of 3 signatory States. The decision of this arbitration body shall be binding on the parties to the dispute.

3. If one of the parties to the dispute considers that there is an issue likely to affect all the contracting parties, the parties to the dispute shall jointly, or in default, individually submit such issue to the Committee of Experts on social security which shall give its opinion on the matter to the appropriate authorities in the States signatory to this Convention.

#### **Article 54 Annexes**

1. The annexes referred to in Articles 3 (1) and 5(2), paragraph 2, as well as any subsequent amendments made to them shall be an integral part of this Convention.

2. Any amendment to the annexes referred to in the preceding paragraph shall be considered as adopted if, within the three months following the notification provided for in Article 60, no Contracting Party has notified its opposition to the Director-General of the International Labour Office.



## TITLE VII. TRANSITIONAL AND FINAL PROVISIONS

### Article 55 transitional provisions following the coming into force of the Convention

This Convention does not confer any right in respect of a period prior to its coming into force.

However,

1. All periods of insurance and employment completed under the legislation of a Contracting Party before the date on which this Convention enters into force shall be taken into account for the purpose of determining rights arising from this Convention. The same applies to any affiliation under the legislation of a contracting party.
2. Rights may arise under this Convention even in respect of a contingency which arose before its coming into force.
3. Any benefit which has not been awarded or which has been suspended on account of the nationality of the person concerned or his residence in the territory of any Contracting Party other than that in which the institution liable to provide the benefits is situated shall, at the request of the person concerned, be awarded or resumed as from the date on which this Convention enters into force, unless the right previously assessed has given rise to the payment of a lump sum.
4. Where the request referred to in the preceding paragraph is submitted within two years of the date on which this Convention enters into force, the rights arising in accordance with the provisions of the Convention shall be acquired as from that date, and those provisions of the legislation of any Contracting Party which concern the loss or rights or the extinction of rights by lapse of time shall not be raised against the person concerned.
5. Where the request referred to in paragraph 4 is submitted more than two years after the date on which this Convention enters into force, such rights as have not lapsed or have not been extinguished by lapse of time, shall be acquired only with reference to the date on which the request was submitted, unless more favourable provisions exist in the legislation of the Contracting Party concerned.



#### **Article 56 Entry into Force**

1. The Supplementary Act adopting the General Convention on Social Security for ECOWAS member States shall enter into force upon signature and publication. Consequently, signatory Member States shall embark on the implementation of the Convention once it enters into force.
2. This Supplementary Act shall be attached as an annex to the ECOWAS Treaty to which it shall be an integral part.

#### **Article 57 Accession**

- 1 After the entry into force of this Convention, the Authority may, by unanimous decision, invite any non-Community Member-State to accede to this Supplementary Act.
- 2 In respect of States acceding to it, the Supplementary Act shall enter into force for these States on the date of receipt of their Instruments of Accession by the President of the ECOWAS Commission.

#### **Article 58 Duration of validity and denunciation**

1. This Supplementary Act shall remain in force indefinitely
2. Any Contracting Party may, in so far as it is concerned, denounce this Supplementary Act after it has been in force for five years by a notification addressed to the President of the Commission.
3. Such denunciation shall take effect six months after the date of receipt of the notification by the President of the Commission.

#### **Article 59 Transitional provisions in case of denunciation of the Convention**

1. In the event of denunciation of this Supplementary Act, all rights acquired under the provisions of the Convention shall be maintained.



2. Rights in the process of acquisition in respect of periods before the date on which the denunciation takes effect shall not lapse as a result of the denunciation; their subsequent continued recognition shall be determined by agreement or, failing such agreement, by the legislation, which the institution concerned, applies.

#### **Article 60      Depository Authority/ Notifications**

1. This Supplementary Act and all Instruments of Accession shall be deposited at the ECOWAS Commission. The notifications referred to in Articles 3(2) and 5(3) shall be addressed to the President of the Commission.
2. The President of the Commission shall, within two months, notify the contracting parties, the signatory state, the United Nations, the African Union and the Director-General of the International Labour Office as well as such other Organisation as may be decided by Council of:
  - a) the date of entry into force of this Supplementary Act Convention in accordance with the provisions of Article 56(1);
  - b) any notification of denunciation received in accordance with the provisions of Article 58(2)
  - c) any notification received by virtue of the provisions of paragraph 1 of this Article

#### **Article 61      Transmission of Certified Copy to the AU, UN and other International Organisations**

As soon as this Supplementary Act initially comes into force, the President of the Commission to the African Union Commission shall communicate a certified copy of the Convention, United Nations and any other International Organisation as may be designated by the Council of Ministers

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**Article 62            Agreement between contracting parties**

1. Two or more Contracting Parties may, if need be, conclude with each other social security agreements based on the principles of this Convention.
2. Each Contracting Party shall, in consonance with the provisions of Article 56(1), give notice of any agreement it may conclude by virtue of the preceding paragraph, as well as any subsequent modification or denunciation of such convention. The notification shall be made within a period of three months beginning from the entry into force of the said convention or its modification, or of the effect of its denunciation.
3. The provisions of this Convention shall not jeopardize the obligations arising from any Convention whatsoever adopted by the International Labour Conference and ratified by the Contracting Parties.

**Article 63            Administrative arrangements**

1. The procedures for the application of this Convention shall be laid down in an Administrative Arrangement concluded between the Contracting Parties.
2. The Administrative Arrangement referred to in paragraph 1 of this Article shall be adopted by a Regulation of the Council of Ministers which authority shall have power to amend the Administrative Arrangement when necessary.

**Note:            APPENDIX LEGISLATIONS AND SCHEMES**

**IN WITNESS WHEREOF WE, THE HEADS OF STATE AND  
GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN  
STATES HAVE SIGNED THIS CONVENTION.**

**DONE AT ABUJA THIS 18<sup>TH</sup> DAY OF JULY 2013**

**IN A SINGLE ORIGINAL IN ENGLISH, FRENCH AND PORTUGUESE,  
ALL THE TEXTS BEING EQUALLY AUTHENTIC.**

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Sua Excelência o Senhor Thomas Boni YAYI  
Presidente da República do Benim

Sua Excelência o Senhor Blaise COMPAORE  
Presidente do Burkina Faso

Sua Excelência o Senhor José Maria PEREIRA NEVES  
Primeiro-ministro de Cabo Verde

Sua Excelência o Senhor Alassane OUATTARA  
Presidente da República de Côte d'Ivoire

Sua Excelência a Senhora Isatou NJIE SAÏDY  
Vice-presidente da Gâmbiã  
Pelo e em nome do Presidente da República

Sua Excelência o Senhor John Dramani MAHAMA  
Presidente da República do Gana

Sua Excelência o Senhor Prof. Alpha CONDE  
Presidente da República de Guiné

Sua Excelência o Senhor Manuel Serifo NHAMADJO  
Presidente Interino  
República da Guiné-Bissau

Sua Excelência a Senhora Ellen JOHNSON-SIRLEAF  
Presidente da República da Libéria

Sua Excelência o Senhor Prof. Dioncounda TRAORE  
Presidente Interino da República do Mali

Sua Excelência o Senhor Mahamadou ISSOUFOU  
Presidente da República do Niger

Sua Excelência o Senhor Goodluck Ebele JONATHAN  
GCFR  
Presidente e Comandante em Chefe das  
Forças Armadas da República Federal da Nigéria

Sua Excelência o Senhor Mankeur NDIAYE  
Ministro dos Negócios Estrangeiros e dos Senegaleses da  
Diáspora  
Pelo e em nome do Presidente da República

Sua Excelência o Senhor Ernest Bai KOROMA  
Presidente da República de Serra Leoa

Sua Excelência o Senhor Elliott OHIN  
Ministro de Estado, Ministro dos Negócios Estrangeiros e Cooperação  
Pelo e em nome do Presidente da República Togolesa



**ADMINISTRATIVE ARRANGEMENT**

**FOR**

**THE APPLICATION OF THE GENERAL CONVENTION**

**ON SOCIAL SECURITY**

**BY**

**MEMBER STATES OF THE ECONOMIC COMMUNITY**

**OF WEST AFRICAN STATES**

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## **TITLE I – GENERAL PROVISIONS**

### **Article 1: Definitions**

For the purpose of this Administrative Arrangement:

- (a) the term "Convention" means the General Convention on Social Security of the Member States of the Economic Community of West African States (ECOWAS);
- (b) the term "Arrangement" means the Administrative Arrangement for the application of the Convention;
- (c) the term "investigating institution" means the institution of any contracting party before which apprised of an application for the payment of the benefits of the his beneficiaries;
- (d) the term "main breadwinner" means the spouse who primarily provides food and care for the family members.
- (e) The terms defined in Article 1 of the Convention have the meanings ascribed to them in this article.

### **Article 2: Communication with and between institutions**

Any institution of a Contracting Party, and any person residing or staying in the territory of a Contracting Party, may directly contact the institution of another Contracting Party for the application of the convention of this Arrangement.

### **Article 3: Annexes**

1. Annex 1 mentions the competent authority or authorities of each Contracting Party.
2. Annex 2 names the competent institutions of each Contracting Party.
3. Annex 3 mentions the institutions designated by the competent authorities by virtue of the provisions of Article 9(3) of this Arrangement

### **Article 4: Other arrangements between the Contracting Parties**

Two or more Contracting Parties may mutually lay down special procedures for application not at variance with the provisions of this Arrangement.

### **Article 5: Provisions replaced by this Arrangement**

This Arrangement replaces the administrative arrangements for the application of social security conventions replaced with the Convention.



## TITLE II. - APPLICATION OF THE GENERAL PROVISIONS OF THE CONVENTION

Application of Article 10 of the Convention

### Article 6: Non-cumulation of benefits

When the recipient of a benefit payable under the legislation of a Contracting Party is equally entitled to benefit under the legislation of another or many other Contracting Parties, the following rules shall apply:

(a) Where they are benefits other than disability, old age and survivor benefits paid in conformity with the provisions of Article 17 of the Convention:

- (i) In case the application of the provisions of Article 10(2) of the Convention would entail the concomitant reduction of the benefits, the amount of the suspension or removal to be made under each of the legislations under which these benefits are due, shall be divided by the number of benefits subject to reduction to which the beneficiary is entitled.
- (ii) In case the application of the provisions of Article 10(2) of the Convention would entail the suspension or concomitant removal of the benefits, the amount of the suspension or removal to be made by virtue of each of the legislations under which the benefits are due shall be divided by the number of benefits subject to the suspension or removal to which the beneficiary is entitled.

(b) Regarding disability, old age or survivors benefits paid in accordance with Article 17 of the Convention by the institution of a Contracting Party, that institution shall take into account benefits or income that can give rise to reduction, suspension or withdrawal of the benefit to which it is entitled, not for calculating the theoretical amount referred to in of Article 17(2) and (3) of the Convention, but exclusively for the reduction, suspension or discontinuance of the amount referred to in Article 17(5). However, these benefits or incomes shall only be counted as a fraction of their amount, determined in proportion to the duration of the periods completed in accordance with Article 17(4) of the Convention;

(c) For the enforcement of Article 10(2) of the Convention, the competent institutions concerned shall, upon request, exchange all relevant information;

(d) For the enforcement of Article 10(2) of the Convention, the prevailing exchange rate to be taken into consideration shall be the rate valid on the first day of the month in which the last payment operation or, where necessary, the effective exchange rate on the first day of the month of the new calculation of the pension or the pension or the annuity.

Enforcement of Article 11 of the Convention



#### **Article 7: Aggregation of benefits**

Where, over the same period, two or more persons are entitled to family benefits under the legislation of two or more Contracting Parties with respect to the same members of the family, the Contracting Party to whose legislation the family's main breadwinner is subject shall be deemed to be the only competent State.

Enforcement of Article 13 of the Convention

#### **Article 8: Admission to voluntary insurance**

In order to benefit from the provisions of Article 13 of the Convention, the person concerned shall present to the institution of the Contracting Party concerned a statement relating to the insurance periods completed under the legislation of any other Contracting Party. This statement shall be tendered on the request of the concerned person or the institutions in which the person accomplished the required period of time.

### **TITLE III. - IMPLEMENTATION OF THE PROVISIONS OF THE CONVENTION RELATING TO THE APPLICABLE LEGISLATION**

Application of Article 12(1) of the Convention

#### **Article 9: Formalities in the case of an employee detached abroad**

1) In case of the secondment of an employee worker covered by Article 12(1)a, of the Convention, the institution designated by the competent authority of the Contracting Party whose legislation is applicable shall issue the worker on request, if the requisite conditions are met, a certificate of such detachment abroad stating that he is still subject to that legislation. The agreement for extension of such detachment abroad shall be requested by the employer.

2) Where, by virtue of Article 12(3) of the Convention, the legislation of a contracting party is applicable to an employee whose employer is resident outside the territory of the said party, the legislation to determine the liable institution shall be applied as if the worker were employed at his place of residence within the said territory.

### **TITLE IV. - AGGREGATION OF PERIODS OF INSURANCE**

*Application of Articles 7, 16 and 35 of the Convention*

#### **Article 10: Rules on period aggregation**

(1) In the cases referred to in Article 7, Article 16 and Article 35 of the Convention, periods of insurance shall be added together in accordance with the following rules:



- (a) to the periods of insurance completed under the legislation of the Contracting Party shall be added the periods of insurance completed under the legislation of any other contracting Party, inasmuch as it is necessary to resort to it to supplement the periods of insurance accomplished under the legislation of the first Contracting Party, for the acquisition, maintenance or recovery of entitlement to benefit, on condition that the periods do not overlap. In the case of invalidity, old age, or survivors' benefits to be paid by the institutions of two or more Contracting Parties in accordance with the provisions of Article 17 of the Convention, each of the institutions concerned shall separately add together all the periods of insurance completed by the person concerned under the legislation of all the Contracting Parties to which he has been subject.
- (b) where a period of compulsory insurance completed in accordance with the legislation of one Contracting Party coincides with a period of voluntary insurance completed under the legislation of another Contracting Party, only the first shall be taken into account;
- (c) where an actual period of insurance completed under the legislation of one Contracting Party coincides with a period likened to an actual period of insurance under the legislation of another Contracting Party, only the first shall be taken into account;
- (d) any period likened to an actual period of insurance under the legislation of two or more Contracting Parties shall be taken into account only by the institution of that Contracting Party to whose legislation the insured person was last compulsorily subject prior to the said period; where the insured person has not been compulsorily subject to the legislation of one of those Parties prior to the said period, that period shall be taken into account by the institution of that Contracting Party to whose legislation he was first compulsorily subject after the period in question;
- (e) where the time at which certain periods of insurance were completed under the legislation of a Contracting Party cannot be determined with precision, it shall be presumed that the periods do not overlap with periods completed under the legislation of another Contracting Party, and shall be taken into account as may be necessary;
- (f) where, according to the legislation of one Contracting Party, certain periods of insurance are taken into account only if they have been completed within a specified time, the institution which applies this legislation shall take into account only periods completed under the legislation of another Contracting Party as have been completed within the same specified time.

(2) Where the periods of insurance completed under the legislation of a contracting party are expressed in units which differ from those which used by another contracting party, the necessary conversion for purposes of aggregation shall be carried out under the following rules:

- a) Where the insured is comes under the 6-day week system:
  - i. one day shall be the equivalent of 6 hours and 40 minutes and vice versa;
  - ii. 6 days shall be the equivalent of one week, and vice versa;
  - iii. 26 days shall be the equivalent of one month and vice versa;



- iv. 3 months or 13 weeks or 78 days shall be the equivalent of a quarter and vice versa;
- v. for the conversion of weeks to months and vice versa, weeks and months shall be converted into days;
- vi. the application of the above rules may yield a total of more than 312 days or 52 weeks or 12 months or 4 quarters for all periods completed within a calendar year.

b) Where the insured comes under the 5-day week system:

- i. one day shall be the equivalent of 8 hours, and vice versa;
- ii. 5 days shall be the equivalent of one week, and vice versa;
- iii. 22 days shall be the equivalent of one month, and vice versa;
- iv. 3 months or 13 weeks or 66 days shall be the equivalent of one quarter, and vice versa;
- v. the application of the above rules may not have the effect of yielding a total of more than 264 days or 52 weeks or 12 months or 4 quarters for all periods completed within a calendar year.

(3) Where, by virtue of paragraph 1(b) of this Article, periods of voluntary insurance in respect of invalidity, old age or survivors' completed under the legislation of a Contracting Party are not taken into account when aggregating periods, the contributions relating to such periods shall be considered as being used to improve the benefits due under the said legislation. Where the legislation provides for complementary insurance, the said contributions shall be considered in calculating the benefits due under such insurance.

## TITLE V. – APPLICATION OF SPECIAL PROVISIONS OF THE CONVENTION GOVERNING THE VARIOUS CATEGORIES OF BENEFITS

### CHAPTER 1. INVALIDITY, OLD-AGE AND SURVIVORS BENEFIT

Application of Articles 15 to 25 of the Convention

#### Section 1. Submission and Examination of Benefit Claims



#### **Article 11: Submission of claims**

(1) In order to receive the old-age, invalidity and survivors' benefits provided for in Articles 17 to 21 of the Convention, the claimant shall submit a claim to the institution of his place of residence in the manner prescribed by the legislation that institution applies. If the claimant has not been subject to that legislation, the institution of the place of residence shall transmit the claim to the institution of the Contracting Party to whose legislation the claimant or the deceased person was last subject, indicating the date on which the claim was submitted. That date shall then be considered as the date of submission of the claim to the last-mentioned institution.

(2) If the claimant resides in the territory of a Contracting Party to whose legislation he or the deceased person has not been subject, he may submit his claim to the institution of the Contracting Party to whose legislation he or the deceased person was last subject.

#### **Article 12: Forms and procedure for the submission of claims**

The submission of the claims referred to in Article 32 of this Agreement shall be subject to the following rules:

- (a) the claim shall be accompanied with the requisite supporting documents and shall be submitted on the forms prescribed:
  - (i) either by the legislation of the Contracting Party in whose territory the claimant resides, in the case referred to in Article 11 (1)1;
  - (ii) or by the legislation of the Contracting Party to which the applicant was last subject, in the case referred to in Article 11(2).
- (b) the accuracy of the information provided by the claimant shall be substantiated by official documents attached to the claim, or corroborated by the authorities of the Contracting Party in whose territory he resides;
- (c) the claimant shall indicate, as far as possible, either the old-age, invalidity or survivors insurance institution or institutions of each of the Contracting Parties to whose legislation the worker has been subject, or the employer or employers by whom he has been employed in the territory of any Contracting Party, and submit any certificates of employment that may be in his possession.

#### **Article 13: Determination of the degree of invalidity**

In determining the degree of invalidity, the institution of a Contracting Party shall take account of all the medical and administrative information assembled by the institutions of any other Contracting Party. However, each institution shall retain the right to have the claimant examined by a doctor of its choice at its own expense, except where the provisions of Article 22 of the Convention apply.



**Article 14: Examination of claims**

(1) Claims shall be examined by the institution to which they have been submitted or to which they have been transmitted, as the case may be, as provided for in Article 11 of this Agreement. This institution shall be known as the "the examining institution".

(2) The examining institution shall immediately advise all the institutions concerned so that the claims may be examined by them simultaneously and without delay.

**Article 15: Form to be used for the examination of claims**

(1) In examining claims, the examining institution shall use a form setting out the details and recapitulation of the periods of insurance completed by the employee under the legislation of all the Contracting Parties concerned.

(2) The transmission of this form to the institution of any other Contracting Party shall take the place of the transmission of supporting documents.

**Article 16: Procedure to be followed by the examining institution**

(1) The examining institution shall enter on the form referred to in Article 15(1) of this Arrangement, the periods of insurance completed under its own legislation, and shall return a copy of the form to the invalidity, old-age or survivors' insurance institution of each Contracting Party to whose legislation the worker has been subject, attaching any employment certificates produced by the claimant.

(2) If only one other institution is involved, that institution shall complete the form sent to it in accordance with the provisions of the preceding paragraph by indicating the insurance period completed under the legislation it applies. It shall then determine the entitlement under the legislation, having regard to the provisions of the Article 17 of the Convention, and shall state on the form the theoretical and the actual amounts of the benefit, calculated in accordance with the provisions of Article 17 (2), (3), (4) or (5), of the Convention as well as, where appropriate, the amount of any benefit that could be claimed, without applying the provisions of Articles 16 to 20 of the Convention, solely for the periods completed under the legislation it applies. The form, which should also contain information concerning the appeals procedure including time limits, shall then be returned to the examining institution.

(3) If there are two or more other institutions involved, each institution shall complete the form submitted to it in accordance with the provisions of paragraph 1 of this Article, indicating the periods of insurance or residence completed under the legislation it applies, and return the form to the examining institution. That institution shall send the completed form to the other institutions involved, each of which shall determine entitlement under the legislation it applies in accordance with the provisions of Article 16 of the Convention and indicate on the form the theoretical and actual amounts of any benefit calculated in accordance with the provision of Article 17(2), (3), (4) or (5), of the Convention as well as, where appropriate, the amount of any benefit which could be claimed, without applying the provisions of Articles 16 to 20 of the Convention, solely for the periods completed under the legislation it applies. The form, which should also contain information concerning appeals procedure, including time-limits, shall then be returned to the examining institution.



(4) When the examining institution has received all the information referred to in paragraphs 2 or 3 of this Article, it shall determine the entitlement under the legislation it applies, having regard to the provisions of Article 16 of the Convention, and shall calculate the theoretical and actual amounts of the benefit, in accordance with the provisions of Article 17 (2), (3), (4) or (5) of the Convention as well as, where appropriate, the amount of any benefit which could be claimed without applying the provisions of Articles 17 to 20 of the Convention, solely for the periods completed under the legislation it applies.

(5) Should the examining institution, upon receiving the information referred to in paragraphs 2 or 3 of this Article, find it is necessary to apply the provisions of Article 19 (2) or (3), or Article 21(1) of the Convention, it shall so inform the other institutions concerned.

**Article 17: Payment of benefits on a provisional basis**

(1) If the examining institution finds that the claimant is entitled to benefit under the legislation it applies, without reference to the periods of insurance completed under the legislation of the other Contracting Parties to which the worker has been subject, it shall make an immediate payment of this benefit on a provisional basis.

(2) Each institution which, in accordance with the provisions of Article 17(5), of the Convention, may calculate directly the benefit or partial benefit due to the claimant shall pay him such benefit immediately. If an institution other than the examining institution pays benefit directly to the claimant, it shall immediately inform the examining institution accordingly and retain any arrears due having regard to the application of the provisions of paragraph 7 of this Article, in favour of any institution which may have paid in excess of the amount due.

(3) Where the examining institution pays benefit under paragraph 1 of this Article, it shall deduct from the amount of such benefit the amount of benefit paid by any other institution in accordance with the preceding paragraph, as soon as it knows the amount in question.

(4) Where, in the examination of a request one of the institutions concerned, other than the examining institution, observes that the claimant is entitled to benefits under the legislation it applies, without the need to resort to periods of insurance accomplished under the legislations of the other Contracting Parties to which the claimant has been subjected, it shall immediately inform the examining institution, which shall immediately pay the amount of the benefits to the beneficiary, provisionally, on behalf of the first institution, without prejudice, where necessary, of the provisions of paragraphs 2 and 3 of this article.

(5) Where the examining institution should pay the benefits by virtue of paragraphs 1 and 4 of this article, it shall pay only the highest amount of benefits, without prejudice, where necessary, of the provisions of paragraphs 2 and 3 of this article.

(6) In case the examining institution does not pay the benefits by virtue of paragraphs 1, 2 or 4 of this article and in cases that can lead to delay, it should pay the person in question a retrievable advance the amount of which will be determined in keeping with the provisions of paragraphs 1 to 4 of article 17 of the Convention.

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(7) During the final settlement of the request for benefits, the examining institution and the other interested institutions shall adjust the accounts as regards the amount of any provisional benefit paid corresponding to the provisional benefits paid and the advances made in keeping with paragraphs 1, 3, 4, 5 and 6 of this article. Sums overpaid by the said institutions may be deducted from the amount of benefits they are required to pay to the person concerned.

**Article 18: Notification of the proportional supplement**

(1) In the case referred to in Article 21(2) of the Convention, the examining institution shall calculate the final amount of the supplement which each institution concerned has to pay and advise them accordingly.

(2) For the purpose of applying the provisions of Article 21 of the Convention, amounts expressed in different national currencies shall be converted at the official rate of exchange prevailing on the first day of the month in which the final payment of the benefit due is made.

**Article 19: Special case of recalculation of benefits**

For the purpose of applying the provisions of Article 21(2) of the Convention, the provisions of Articles 16 to 19 of the Agreement shall apply with all the necessary differences having been considered.

**Article 20: Notification of decisions by the institutions involved**

(1) Each of the institutions concerned shall advise the claimant of the decision regarding his claim for benefit as soon as that decision can be taken as final, after consultation with the examining institution. Each institution shall at the same time advise the examining institution. Any decision shall indicate that it relates only to part of the total benefit that may be due, and shall also contain information concerning the appeals procedure, including time-limits, prescribed by the legislation concerned.

(2) After the benefit claim has been finally settled, the examining institution shall recapitulate and forward to the claimant all the decisions taken by the institutions concerned.

**Article 21: Employment record**

In order to expedite the settlement of benefit claims, the following rules shall be observed:

- (a) where a person, formerly subject to the legislation of one or more Contracting Parties, is subject to the legislation of another Contracting Party, the competent institution of the latter Party shall apply to the institution of the other Contracting Party or Parties for all relevant information, particularly regarding the institutions to which the interested party has been affiliated and, where necessary, his registration numbers;
- (b) at the request of the person concerned or of the institution to which he is affiliated, the institutions concerned shall begin, to the extent possible, to reconstitute his case-history as from one year prior to the date on which he will reach pensionable age.



## Section 2. – Administrative and Medical supervision

### Article 22: Administrative and Medical supervision

(1) If a recipient of:

- (a) an invalidity benefit;
- (b) an old-age benefit awarded subject to means testing;
- (c) a survivor's benefit awarded on grounds of invalidity;
- (d) a benefit awarded provided that the means of the beneficiary do not exceed the prescribed limit ;

Stays or resides in the territory of a Contracting Party other than the competent State, administrative and medical supervision shall be exercised at the request of the competent institution by the institution of the place of stay or residence, in accordance with the rules laid down by the legislation which the latter institution applies. However, the competent institution shall maintain the faculty of having the recipient examined by a doctor of its choice at its own expense.

(2.) If following the supervision referred to in the preceding paragraph reveals that the beneficiary is employed or has means in excess of the prescribed limit, the institution of the place of stay or residence shall report to the competent institution which requested the supervision. The report shall contain the information requested and shall state in particular the nature of the employment, the amount of the earnings or other income received by the beneficiary during the last full quarters and the normal remuneration paid in the same area to a worker in the occupational category to which the person concerned belonged in the occupation he followed before he became an invalid, over a reference period to be determined by the competent institution. Where applicable, a medical opinion as to the state of health of the person concerned shall also be given.

### Article 23: Resumption of the provision of benefits after suspension

If, after suspension of the benefit he had been receiving, a person re-qualifies for benefit while residing in the territory of a Contracting Party other than the competent State, the institutions concerned shall exchange all the information necessary to enable the payment of benefit to be resumed.

## Section 3. - Payment of Benefits



**Article 24: Method of payment**

Where the paying institution of a Contracting Party does not pay benefit directly to beneficiaries residing in the territory of another Contracting Party, such benefit shall be paid at the competent institution's request by the institution of the place of residence, in accordance with the procedures laid down in Articles 25 to 28 of this Arrangement. Where the paying institution pays benefit directly to such beneficiaries it shall so notify the institution of the place of residence.

**Article 25: Notification to the paying agency**

The institution responsible for paying benefit shall forward to the institution of the place of residence – hereinafter called the "paying agency" – a statement in duplicate setting out the benefit due; this statement must reach the said agency at least twenty days before the date on which the benefit is payable.

**Article 26: Payment of arrears into the account of the paying agency**

(1) Ten days before the date on which the benefit is payable, the paying institution shall remit, in the currency of the Contracting Party in whose territory it is situated, the amount of the benefit due as shown on the statement referred to in Article 25 of this Arrangement. Payment shall be made through the National Bank or a similar establishment in the name of the competent authority of the Contracting Party. The payment through another bank of that Contracting Party to the account opened in the name of the National Bank or in the name of another bank of the Contracting Party in the territory in which the paying agency is situated, to the latter's order. The payment shall be the last instalment. The paying institution shall simultaneously address a payment notice to the paying agency.

(2) The bank or a similar establishment into which the amount has been transferred shall credit the paying agency with the equivalent amount in the currency of the Contracting Party in whose territory that agency is situated.

(3) The name and headquarters of the banks referred to in paragraph 1 of the Article are mentioned in Annex 3.

**Article 27: Payment of arrears by the paying agency**

(1) The arrears mentioned in the statement referred to in Article 25 of this Agreement, shall be paid to the beneficiary by the paying agency on behalf of the paying institution in accordance with the procedure prescribed by the legislation the paying agency applies.

(2) The sum payable to the beneficiary shall be converted into the currency of the Contracting Party in whose territory he resides, at the rate of exchange at which, in accordance with the provisions of Article 26 of this Agreement, it was credited to the paying agency.

(3) Once the paying agency or any other agency it may designate becomes aware of any matter justifying the suspension or removal of benefits, it shall cease payment. This shall also be done when the beneficiary transfers his residence to the territory of a Contracting Party other than that in which the paying agency is situated.

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(4) The paying agency shall advise the institution responsible for payment of any reason for non-payment and inform it of the date of any event justifying such action.

#### **Article 28: Settlement of accounts**

(1) The payment referred to in Article 27(1), of this Arrangement shall be cleared at the end of each payment period in order to determine the amounts actually paid to the beneficiaries or their legally-appointed representatives and the amounts outstanding.

(2) The total amount of the actual payments expressed in figures and in words in the currency of the Contracting Party in whose territory the institution responsible for payment is situated, shall be stated as agreeing with the payments effected by the paying agency and this statement shall be counter-signed by the latter's representative.

(3) The paying agency shall vouch for the fact that the payments shown are in order.

(4) Any difference between the amounts paid by the responsible institution, as expressed in the currency of the Contracting Party on whose territory it is situated, and the value, expressed in the same currency, of payments vouched for by the paying agency, shall be entered against subsequent sums due to be paid by the said responsible institution.

#### **Article 29: Notification of transfer of residence**

When the recipient of benefits payable under the legislation of one or more Contracting Parties transfers his residence from the territory of one Contracting Party to that of another Contracting Party, he shall notify the competent institution or institutions responsible for the payment of such benefit and also, *where appropriate*, the paying agency.

### **CHAPTER II: BENEFITS REGARDING ACCIDENTS AT WORK AND OCCUPATIONAL DISEASES**

#### **Section 1. General Provisions**

##### **Application of Article 27 of the Convention**

#### **Article 30: Benefits in kind in case of residence abroad**

(1) In order to receive the benefits in kind provided for in Article 27(1)a, of the Convention, the employee shall submit to the institution of the place of residence a certificate certifying his entitlement to such benefits. This certificate shall be issued by the competent institution at the employee's request on the basis of information provided where appropriate, by the employer. The competent institution shall address copy of the attestation to the institution of the place of residence. In addition, where the legislation of the competent state so provides, the worker shall submit to the institution of the place of residence an acknowledgement of the notification of his occupational injury or disease.

(2) The certificate referred to in the preceding paragraph shall be valid until such time as the institution of the place of residence receives notice of its cancellation.



(3) For any claim for benefits in kind the employee shall submit the supporting documents normally required for the grant of benefits in kind under the legislation of the Contracting Party in whose territory he resides.

(4) In the event of hospitalisation the institution of the place of residence shall notify the competent institution, as soon as this information becomes available, of the date of entry, the probable duration of hospitalisation, and the date of discharge.

(5) The worker shall advise the institution of his place of residence of any change in his circumstances which might affect his entitlement to benefits in kind, in particular of any cessation or change of employment or occupational activity, or any change in his residence or stay. The competent institution shall likewise inform the institution of the place of residence when a worker's entitlement to benefit ceases. The institution of the place of residence may at any time request the competent institution to supply any information relating to the employee's entitlement to benefit.

(6) In case of stay outside the territory of the competent State (Article 27(1) b) and (c), the provisions of the preceding paragraphs shall apply mutatis mutandis, being understood that the institution of the place of stay is regarded as the institution of the place of residence.

**Article 31: Benefits in kind in case of stay abroad**

(1) In order to receive benefits in kind, the seconded worker referred to in Article 12(1) of the Convention shall submit to the institution of his place of temporary residence the certificate prescribed in Article 9 of this Agreement. When he has submitted this certificate he shall be presumed to have satisfied the conditions for entitlement to benefits in kind.

(2) In order to receive benefits in kind, the worker referred to in Article 12(1)b, of the Convention, employed in the territory of a Contracting Party other than the competent State, shall submit as promptly as possible to the institution of the place of temporary residence a statement issued by the employer or his agent within the two preceding calendar months. The statement shall indicate the date on which he began to work for that employer, and the name and address of the competent institution. When he has produced the above-mentioned statement, he shall be presumed to have satisfied the conditions for entitlement to benefits in kind. If he is unable to apply to the institution of the place of temporary residence before commencing medical treatment, he shall nevertheless receive such treatment on presentation of the said statement, as if he were insured with that institution.

(3) The institution of the place of temporary residence shall apply without delay to the competent institution to ascertain whether the worker referred to in paragraph 1 or 2 of this Article, as the case may be, satisfies the conditions for entitlement to benefits in kind. The institution of the place of temporary residence shall provide the aid benefits until a reply has been received from the competent institution, but for not longer than thirty days.

(4) The competent institution shall replay to the institution of the place of temporary residence within ten days of receiving that institution's enquiry. If the reply is in the affirmative, the competent institution shall indicate the maximum period, if any, during which the benefits in kind may be provided under the legislation which it applies, and the institution on the place of temporary residence shall continue to provide the said benefits.



(5) Instead of the certificate or statement referred to respectively in paragraphs 1 and 2 of this Article, the worker may submit to the institution of the place of temporary residence the certificate referred to in Article 30(1) of this Agreement. In that case, the provisions of the preceding paragraphs of this Article shall not apply.

(6) The provisions of Article 30(4) of this Agreement shall apply mutatis mutandis.

**Article 32: Cash benefits in case of residence abroad**

(1) In order to receive the cash benefits other than pensions provided for in Article 27(1)a(ii) of the Convention, the worker shall apply to the institution of his place of residence promptly becoming incapable of work, and submit as possible after, a certificate of incapacity for work issued by the doctor attending him. He shall also submit any other documents required by the legislation of the competent State, according to the type of benefit claimed.

(2) The institution of the place of residence shall immediately transmit to the competent institution the documents referred to in the preceding paragraphs of this Article, indicating at the same time the probable duration of incapacity for work.

(3) As soon as possible, the institution of the place of residence shall undertake a medical examination of the worker and make the necessary administrative enquiries regarding his case, as if the said worker were insured by it, and shall notify the competent institution without delay of the findings. The competent institution may, if it so desires, have the worker concerned examined by a doctor of its choice at its own expense. Where this institution decides to refuse benefit on the grounds that the worker has failed to comply with the rules relating to the investigation of his case, it shall notify him of this decision, and at the same time send a copy of the decision to the institution of the place of residence.

(4) Termination of incapacity for work shall be notified without delay to the worker by the competent institution. When this latter institution itself decides that the worker is again capable of work, it shall notify him of its decision and at the same time send a copy of the decision to the institution of the place of residence.

(5) Where, in the same case, two different dates are set by the institution of the place of residence and by the competent institution for the termination of incapacity for work, the date set by the competent institution shall apply.

(6) When the worker resumes work, he shall notify the competent institution.

(7) The competent institution shall pay cash benefits by any appropriate means, and shall advise the institution of the place of residence of such payments. Where benefit is paid by the institution of the place of residence on behalf of the competent institution, the competent institution shall inform the worker of his entitlement in the manner prescribed by the legislation which it applies, and shall also advise him of the institution charged with paying the benefits. It shall at the time inform the institution of the place of residence of the amount of benefits payable, the dates of payment, and the maximum period for which it is payable under, the legislation of the competent State. The amount of benefit payable by the institution of the place of residence shall be converted at the official rate of exchange prevailing on the first day of the month in which benefit is paid.



### **Article 33: Cash benefits in case of stay abroad**

(1) In order to receive cash benefits other than pensions provided for in Article 27(1)b(ii), of the Convention, the employee shall apply to the institution of his place of temporary residence as promptly as possible after becoming incapable of work, and submit a certificate of incapacity for work issued by the doctor attending him, if so required by the legislation applied by the competent institution or by the institution of the place of temporary residence. He shall also indicate his address in the country of temporary residence and the name and address of the competent institution.

(2) The institution of the place of temporary residence shall without delay transmit to the competent institution the certificate referred to in the preceding paragraph of this Article indicating in particular the probable duration of incapacity for work.

(3) Workers other than seconded workers referred to in Article 12(1)a of the Convention, whose state of health is found by medical examination to be such as not to prevent them from returning to the territory of the Contracting Party where they reside shall immediately be notified to this effect by the institution of the place of temporary residence, which shall also send a copy of the notification to the competent institution.

(4) In addition, the provisions of Article 32(3) to (7) of this Agreement shall apply with the necessary differences having been considered

### **Article 34: Declarations and enquiries and exchange of information between institutions**

(1) If an occupational injury or disease should occur in the territory of a Contracting Party other than the competent State, it should be declared in accordance with the provisions of the legislation of the competent State, without prejudice to any existing legal provisions in the territory of the Contracting Party where the injury or disease occurred, the application of which is mandatory in the case. This declaration shall be sent to the competent institution and copied to the institution of the place of residence.

(2) The institution of the Contracting Party in whose territory the occupational injury or disease occurred shall forward in duplicate to the competent institution the medical certificates issued in that territory and, at the request of the latter institution, all relevant information.

(3) The certificate indicating that the victim of the injury or disease has fully recovered or that his condition has stabilised must where appropriate give a detailed description of his conditions and contain information on the final consequences of the occupational injury or disease. Any costs incurred shall be met by the institution of the place of residence or by the institution of the place of temporary residence, as the case may be, at the rate applied by that institution and at the expense of the competent institution.

(4) The competent institution shall notify the institution of the place of residence, or the institution of the place of temporary residence, as the case may be, of the date of recovery of the worker or of the stabilisation of his condition and also, if relevant, of any decision regarding an award of a pension.



**Article 35: Disputes concerning the occupational nature of the accident or disease**

(1) If, in a case covered by Articles 27(1) of the Convention the competent institution questions whether the legislation relating to occupational injuries or diseases is applicable, it shall immediately inform the institution of the place of residence or the institution of the place of temporary residence which suspends the provision of benefits in kind.

(2) When a final decision of the question has been reached, the competent institution shall immediately notify the institution of the place of residence or the institution of the place of temporary residence which has provided the benefit in kind. If it is an occupational accident or disease, the latter institution shall resume the provision of the benefits in kind.

*Application of Article 30 of the Convention*

**Article 36: Assessment of the degree of incapacity**

(1). To enable the degree of incapacity to be assessed, for the purpose of Article 30 of the Convention, the worker shall provide the competent institution of the Contracting Party to whose legislation he was subject when the occupational injury or disease occurred with full information concerning any previous occupational injuries or diseases he suffered while subject to the legislation of any other Contracting Party, whatever the degree of incapacity caused by such previous occupational injuries or diseases.

(2). The competent institution may apply to any other institution previously competent for whatever information it considers necessary.

*Application of Article 32 of the Convention*

**Article 37: Exposure to the risk of an occupational disease in several States**

(1) In the case covered by Article 32(1) of the Convention, the declaration notifying an occupational disease shall be sent either to the institution competent in respect of occupational disease, of the Contracting Party under whose legislation the worker was last engaged in an occupation liable to cause the disease under consideration, or to the institution of the place of residence, which shall transmit the declaration to the first-mentioned institution.

(2) If the institution receiving the declaration considers that an occupation liable to cause the disease in question was last followed under the legislation of another Contracting Party, it shall transmit the declaration and the accompanying documents to the corresponding institution of that Party and inform at the same time the person concerned.

(3) If the institution of the Contracting Party under whose legislation the worker was last engaged in an occupation liable to cause the disease in question finds that he or his survivors fail to satisfy the conditions of that legislation, taking into account the provisions of Article 32(2), (3) and (4) of the Convention, the institution in question:

(a) shall immediately transmit to the institution of the Contracting Party under whose legislation the worker was previously engaged in an occupation liable to cause the disease in question the declaration and all accompanying documents, including the findings and reports of medical examinations carried out by the former institution, together with a copy of the decision referred to in the following subparagraph;



(b) shall, at the same time, inform the person concerned of its decision stating the grounds on which benefit is refused, the procedure and time-limits for appeal, and the date on which the records of the case were transmitted to the institution referred to in the preceding subparagraph.

(4) If necessary, the case shall be referred back, following the same procedure, to the corresponding institution of the Contracting Party under whose legislation the worker was first engaged in an occupation liable to cause the disease in question.

#### **Article 38: Appeal against a decision to reject a claim**

(1) If an appeal is made against rejection of a claim by the institution of one of the Contracting Parties under whose legislation the worker was engaged in an occupation liable to cause the disease under consideration, that institution shall inform the institution to which the declaration, if any, was transmitted, in accordance with the procedure in Article 37(3) of this Agreement, and subsequently inform it of the final decision taken.

(2) Where entitlement to benefit is established under the legislation applied by the institution to which the declaration was transmitted in accordance with the procedure prescribed in Article 37(3) of this Agreement, account being taken of the provisions of Article 33(2),(3) and (4) of the Convention, that institution shall make advance payments to the person concerned, the amounts being determined in consultation with the institution against whose decision the appeal was lodged. If, following the appeal, the latter institution is obliged to provide benefits, it shall refund to the former institution the advance payments made, deducting an equivalent amount from the benefit payable to the person concerned.

Application of Article 33 of the Convention

#### **Article 39: Aggravation of an occupational disease**

In case the referred to in Article 33 of the Convention, the employee shall provide the institution of the Contracting Party from which he claims benefit with full information on any benefits previously received by him in respect of the occupational disease in question and on any occupations he has followed since the award of these benefits. The institution may request such information as it considers necessary from any other previously competent institution.

### **Section 2. Submission and Examination of Pension Claims**

#### **Article 40. Submission and examination of pension claims excluding claims of occupational diseases to which the provisions of Article 27 of the Convention are applied**

(1) Where an employee or his survivors residing in the territory of a contracting party seek to benefit from pension or a benefit meant to supplement a pension under the legislation of another Contracting Party, They shall address their claim either to the competent institution or to the institution of the place of residence that transmits it to the competent institution. The presentation of the claim shall be submitted to the following rules:



- (a) It must be accompanied with the requisite supporting documents and shall be submitted on the forms prescribed by the legislation of the competent State;
  - (b) The accuracy of the information provided by the claimant must be substantiated by official documents attached to the claim form or corroborated by the competent authorities of the Contracting Party in whose territory he resides.
- (2) The competent institution shall convey its decision directly to the claimant.

### Section 3. Administrative and Medical Supervision

#### Article 41: Administrative and medical supervision

If the recipient of a pension temporarily resides or resides in the territory of a Contracting Party other than the competent State, administrative and medical supervision and also such medical examinations as are necessary for the revision of pensions shall be carried out at the request of the competent institution by the institution of the place of temporary residence or residence in accordance with the rules laid down in the legislation which the latter institution applies. However, the competent institution may have the recipient examined by a doctor of its choice at its own expense.

### Section 4. Payment of Pensions

#### Article 42: Payment of pensions

Pensions payable by the institution of a Contracting Party to claimants residing in the territory of another Contracting Party shall be paid in accordance with the provisions of Articles 24 to 29 of this Arrangement.

## CHAPTER III. FAMILY AND MATERNITY BENEFITS

Application of Article 35 of the Convention

#### Article 43: Adding together of periods

1. In order to benefit from the provisions of Article 35 of the Convention, the person concerned shall submit to the competent institution a certificate setting out the periods of insurance or employment accomplished under the legislation of the Contracting Party to which he was previously last subject, and he shall supply any additional information required under the legislation applied by that institution.

2. The certificate referred to in the preceding paragraph shall be issued, at the request of the person concerned, by the institution competent in relation to family and maternity benefits of the Contracting Party to whose legislation he was previously last subject. If the person concerned does not submit such a certificate, the competent institution shall apply to that institution for it.

3. Where it is necessary to take into account periods of insurance or employment, completed under the legislation of any other Contracting Party in order to satisfy the conditions prescribed by the legislation of the competent State, the provisions of the preceding paragraphs of this Article shall apply mutatis mutandis.



#### Application of Article 36 of the Convention

#### **Article 44: Maternity benefits in the case of residence or stay abroad**

1. In order to receive the daily maternity benefits provided for in Article 36 of the Convention, the salaried worker shall apply to the institution of the place of residence or stay as promptly as possible after termination of work, and submit a certificate to the effect that she has ceased to work, issued by the employer as well as any other documents required by the legislation of the competent State.

2. The institution of the place of residence or stay shall immediately transmit to the competent institution the documents referred to in the preceding paragraph of this Article.

3. The competent institution shall pay the daily maternity benefits by any appropriate means, for example by international money order, and shall advise the institution of the place of residence of such payments.

#### Application of Article 37 of the Convention

#### **Article 45: Family benefits in the case of residence abroad**

1. In order to benefit from the provisions of Article 37 of the Convention, the person concerned shall apply to the competent institution, if necessary through his employer.

2. In support of his claim the worker concerned shall submit a certificate as to his family status issued by the competent registration authorities in the territory of the Contracting Party in which the members of that worker's family reside, if such certificate is normally issued by above-mentioned authorities; and if not, by the institution designated by the competent authority of that Contracting Party. This certificate shall be renewed annually.

3. The employee concerned shall also, where appropriate and at the request of the competent institution, provide information identifying the person to whom family benefits are to be paid in the territory of the Contracting Party where the members of that worker's family reside.

4. The employee concerned shall inform the competent institution, if necessary through his employer, of any change in the circumstances of his members of family which might affect his entitlement to family benefits, and in particular of any change of residence and any alteration in the number of members of family in respect of whom family benefits are payable.

#### **Article 46: Special procedures for the payment of family allowances**

1. If the person concerned has been employed during any calendar month in the territory of two Contracting Parties, the family benefits he may claim shall be paid for the whole month by the institution which was competent at the beginning of this month in accordance with the legislation it applies.

2. If the institution of one Contracting Party has paid family benefits for a month, and they should have been paid by the institution of another Contracting Party, the incorrect payments of benefits shall be adjusted between the two institutions.



## CHAPTER IV: MEDICAL CARE AND SICKNESS BENEFITS

Application of Articles 38 to 40 of the Convention

### **Article 47: Report of a disease occurring outside the territory of the competent state**

1. Where the disease occurs in the territory of a Contracting Party other than the competent State, the incidence shall be reported in accordance with the provisions of the legislation of the competent State, without prejudice to any existing legal provisions in the Contracting Party where the disease occurred, the application of which is mandatory for such a case.

The report shall be forwarded to the competent institution and a copy thereof to the institution in the place of residence.

2. The institution of the Contracting Party in whose territory the disease occurred shall forward in duplicate to the competent institution, the medical certificates issued in that territory, and, at the request of the latter institution, all relevant information.

### **Article 48: Conditions for granting benefits in kind**

1. In order for the worker and his family to receive benefits in kind, he shall submit to the institution of his place of residence, a certificate of coverage issued by the competent institution.

2. The certificate shall indicate among other details, his medical insurance references as well as the name and address of the competent institution. The employee, on production of this certificate, shall be deemed to have satisfied the conditions for entitlement to benefits in kind. Where he is unable to apply to the institution of the place of temporary residence before receiving medical treatment, he shall receive such benefits as if he were affiliated to the institution.

3. The institution of the place of temporary residence shall without delay request the competent institution to confirm whether the worker referred to in paragraph 1 of this Article satisfies the conditions for entitlement to benefits in kind. Pending the receipt of the reply from the competent institution, provided that this period shall not exceed 30 days, the institution shall provide these benefits to the worker.

4. The competent institution shall forward its reply to the institution of the place of temporary residence within ten (10) days of receiving that institution's enquiry. Where the reply is in the affirmative, the competent institution shall indicate the maximum period, if any, during which the worker may receive benefits under the applicable legislation, and the institution of the place of temporary residence shall continue to provide the aforementioned benefits.

The provisions of Article 50 of this Arrangement shall apply in the event of a negative reply.

### **Article 49: Conditions for granting benefits in cash**

1. In order to receive daily allowance, the worker shall, upon becoming incapable to work and as soon as possible, apply to the institution of the place of temporary residence. He shall submit a certificate of incapacity for work issued by his personal doctor and indicate his address in his country of temporary residence as well as the name and address of the competent institution.



2. The institution of the place of temporary residence shall immediately forward to the competent institution, the document referred to in the preceding paragraph, indicating among other details, the probable duration of the incapacity for work.

3. The institution shall by any appropriate means, pay the daily allowances and shall inform the institution of the place of residence thereof.

**Article 50: coverage of family members in the event of illness**

1. In order to receive benefits in respect of diseases for members of his family, the worker shall present a certificate indicating the members of his family residing in the territory of a contracting party other than the competent State. This certificate shall be issued by the institution of their place of residence.

2. The certificate referred to in the preceding paragraph shall be valid for a period of twelve (12) months with effect from the date of its issuance. In the case of a renewal, its validity shall be with effect from the date of renewal. The person concerned shall immediately notify the competent institution of any amendment to the certificate, and such modification shall take effect on the date prescribed by the legislation being applied by the competent institution.

3. In addition to the certificate referred to in paragraph 1 of this Article, the competent institution may require the person concerned to produce recent birth, death or marriage certificates of members of his family residing in the territory of a Contracting Party other than the competent State, where such documents are normally issued by the authorities of that party.

**CHAPTER V. UNEMPLOYMENT/SOCIAL BENEFITS**

**Implementation of Article 41 of the Convention**

**Article 51:** To claim unemployment/social benefits in the host country, the applicant shall, upon submitting his/her claim to the relevant Institution, present proof of his/her unemployment status and that he/she was subject to the legislation of the contracting party governing payment of benefits applied for.

**Article 52:** Any unemployed person who wishes to claim for unemployment/social benefits in conformity with the legislation of one contracting party, and who wishes to change his/her residence to the territory of another contracting party, shall meet the requisite conditions laid down in the legislation of the second party in order to qualify for unemployment/social benefits, provided that he/she submits his/her claim to the Institution of his/her new place of residence within thirty (30) days after the change of residence. The Institution of the new place of residence shall pay unemployment/social benefits in conformity with provisions of the legislation of this Institution, at the expense of the competent Institution of the first party.

**Article 53:** Where the legislation of the Institution of the place of residence provides for maximum duration for the payment of unemployment/social benefits, this Institution may take into account, where necessary, the period during which the Institution of the other contracting party has paid unemployment/social benefits, after the last confirmation of entitlement to unemployment/social benefits.

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**Article 54:** Where the legislation of one contracting party provides that calculation of unemployment/social benefits shall be based on the amount of benefits previously paid, the Institution applying this legislation shall exclusively consider benefits paid to the claimant or his/her last activity in the territory of the other party or, the equivalence of the amount usually paid in the place of residence for an activity similar to his/her last activity in the territory of another contracting party.

**Article 55:** Where the legislation of one contracting party provides that unemployment/social benefits shall vary with the number of members in the applicant's family, the institution shall apply this legislation by equally taking into account members of the family residing in the territory of another contracting party as if they were residing in the territory of the first party.

**Article 56:** Implementation of provisions of Articles 51 to 55 by two contracting parties may be the subject of a bilateral agreement between the parties.

The agreement referred to in the paragraph above shall specifically indicate:

- a. the categories of persons subject to Articles 51 to 55;
- b. the period during which the Institution of one contracting party shall pay unemployment/social benefits, on behalf of another contracting party;
- c. the terms governing repayment of unemployment/social benefits paid by the institution of one contracting party, at the expense of the institution of another contracting party.

#### TITLE VI. – MISCELLANEOUS PROVISIONS

**Article 57: Mutual administrative assistance in case of payment of benefits**

The institution of the person who has received benefits that were not payable to him, shall cooperate with the institution of any other Contracting Party which has paid such benefits should the latter institution seek recovery from the beneficiary in question

**Article 58: Mutual assistance in case of overpayment - recovery of excess payments**

If the institution of a Contracting Party has paid to a beneficiary a sum in excess of his entitlement, that institution may request the institution of any other Contracting Party responsible for payment of benefits of the same kind to that person to deduct the amount overpaid from the payment it is making to him. The latter institution shall withhold that amount to the extent to which such a deduction is permissible under the legislation it applies, as if the overpayment had been made by it, and transfer the amount so withheld to the creditor institution.

**Article 59: Recovery of advances**

If the institution of a Contracting Party has made an advance payment of benefits, the institution may request the institution of any other Contracting Party paying benefits of the same nature for the beneficiary of the advance to deduct the amount of the advance from the payments due to him for the same period. The latter institution shall transfer the amount to the creditor institution.



**Article 60: Reimbursement of benefits in kind duly served.**

1. If entitlement to benefits is not recognised by the institution stated to be the competent one, the cost of the benefits in kind provided by the institution of the place of temporary residence under the presumption in Article 31(2) of this Agreement shall be refunded by the institution stated to be the competent one.

2. Expenses incurred by the Institution of the place of residence as benefits in kind paid by virtue of the provisions of paragraph 35 of this Arrangement while the person concerned is not entitled to benefits, shall be refunded by the competent institution.

3. If an institution has refunded benefits incorrectly paid, in accordance with the provisions of paragraphs 1 or 2 of this Article, it shall remain the creditor of the recipient for the amount of the benefit incorrectly paid.

**Article 61: Disputes concerning the applicable legislation or the liable institution**

In the event of a dispute between the institution or competent authorities of two or more Contracting Parties concerning either the legislation applicable under Title II of the Convention of the institution which is to provide benefit, the person who would have been able to claim benefit in the absence of such a dispute shall provisionally receive the benefit prescribed by the legislation which the institution of the place of residence applies or, where the person concerned does not reside in the territory of one of the Contracting Parties concerned, by the legislation of the Contracting Party to which he was previously last subject. After settlement of the dispute, the cost of the benefits paid provisionally shall be borne by the institution declared as liable to pay the benefits.

**Article 62: Enquiries in the territory of another Contracting Party**

If, in order to apply its national legislation, or the Convention, in specific cases, the competent institution of a Contracting Party considers it necessary to conduct an enquiry in the territory of another Contracting Party, it may appoint an investigator for the purpose, subject to the agreement of the competent authorities of the two Parties concerned. The competent authority of the Contracting Party in whose territory the enquiry is to take place shall give every assistance to the investigator and appoint a person to assist him in consulting the records and all other documents relevant of the case.

**Article 63: Notifications**

Any agreements concluded under Article 28, Article 34(3), Article 42(3) and Article 61 of the Convention, or under Article 4 of this Agreement, shall be communicated to the President of the ECOWAS Commission within two months of the date of their entry into force.

**Article 64: Annexes to the Arrangement**

1. The Annexes referred to in Article 3 of this Arrangement shall be an integral part thereof.



2. Any amendment of the Annexes to this Agreement shall be notified by the Contracting Party concerned to the President of the ECOWAS Commission.

**TITLE VII. – APPLICATION OF THE ADMINISTRATIVE ARRANGEMENTS**

**Article 65: Application to ECOWAS Member State**

Application of this Administrative Arrangement shall be deemed to commence from the entry into force of the Supplementary Act A/SA.../06/13 adopting the Convention on Social Security. It shall have the same duration as the said Supplementary Act.

**Article 66: Application to Non-Member States**

In respect of non-member States who have acceded to the Supplementary Act A/SA.../06/13 adopting the Convention on Social Security, the Administrative Arrangement shall automatically be deemed to be applicable to them on the date of entry into force of the said Supplementary Act for each of these States

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ANNEX 1

Article , subparagraph 7 of the Convention and Article 3, paragraph 1 of the Arrangement

Competent Authorities

BENIN	The Minister responsible for Social Security,	Cotonou
BURKINA FASO	"	Ouagadougou
CAPE VERDE	"	Praia
COTE D'IVOIRE	"	Abidjan
THE GAMBIA	"	Banjul
GHANA	"	Accra
GUINEA	"	Conakry
GUINEA BISSAU	"	Bissau
LIBERIA	"	Monrovia
MALI	"	Bamako
NIGER	"	Niamey
NIGERIA	"	Abuja
SENEGAL	"	Dakar
SIERRA LEONE	"	Freetown
TOGO	"	Lomé



## ANNEX 2

Article 3, subparagraph 1, of the Convention and Article 3, paragraph 2, of the Arrangement

### Competent Institutions and Benefits

<b>BENIN</b>	<b>La Caisse Nationale de Sécurité Sociale</b> <ul style="list-style-type: none"><li>- Family benefits and maternity benefits</li><li>- Work-related accidents and occupational diseases</li><li>- Old age benefits, Disability benefits and Survivors' benefits.</li></ul>
<b>BURKINA FASO</b>	<b>La Caisse Nationale de Sécurité Sociale</b> <ul style="list-style-type: none"><li>- Family benefits;</li><li>- Old age benefits</li><li>- Maternity benefits</li><li>- Occupational risks</li></ul>
<b>CAPE VERDE</b>	<b>L'Institut d'Assurance et de Sécurité Sociale</b> <ul style="list-style-type: none"><li>- For old age, invalidity and survivors' benefits</li><li>- Benefits in respect of occupational injuries and diseases</li><li>- Family benefits;</li></ul> <b>Le Service National de Santé</b> <ul style="list-style-type: none"><li>- Prestations de maladies et de maternité</li></ul>
<b>COTE D'IVOIRE</b>	<b>La Caisse Nationale de Prévoyance Sociale</b> <ul style="list-style-type: none"><li>- Family benefits and maternity benefits</li><li>- Work-related accidents and occupational diseases</li><li>- Old age benefits, Disability benefits and Survivors' benefits.</li></ul>
<b>THE GAMBIA</b>	<b>Social Security and Housing Finance Corporation</b> <ul style="list-style-type: none"><li>- For old age, invalidity and survivors' benefit, work-related accidents, Occupational diseases and unemployment benefits;</li></ul> <b>The individual Employer</b> <ul style="list-style-type: none"><li>- For benefits in respect of occupational injuries and diseases.</li></ul>
<b>GHANA</b>	<i>Social</i> <b>Security and National Insurance Trust</b>



- For old age, invalidity and survivors' benefits: Social  
**Individual Employer**

- For benefits in respect of occupational injuries and  
diseases, sickness and maternity benefits:

#### GUINEA

##### **La Caisse Nationale de Sécurité Sociale;**

- Family and maternity benefits
- Work-related accidents, occupational diseases
- Old age benefits, Disability benefits and Survivors' benefits.

#### GUINEA BISSAU

##### **Instituto Nacional de Segurança Social (INSS)**

- Old age benefits, Disability benefits and Survivors' benefits.
- Work-related accidents, occupational diseases
- Family and maternity benefits

#### LIBERIA

##### **National Social Security Welfare Corporation**

- Occupational diseases
- Work-related accidents
- Old age benefits
- Disability benefits
- Survivors' benefits.

#### MALI

##### **Institut National de Prévoyance Sociale**

- Family benefits;
- Prevention and compensation of work-related accidents, occupational diseases
- Old age benefits, Disability benefits and Survivors' benefits

##### **Caisse Nationale d'Assurance Maladie (CANAM)**

- Healthcare benefits.

#### NIGER

##### **Caisse Nationale de Sécurité Sociale**

- Family benefits;
- Work-related accidents and occupational diseases
- Pensions



## NIGERIA

### **National Social Insurance Trust Fund, National Pension Commission**

- For old age, invalidity and survivors' benefits, sickness and maternity benefits:

### **National Provident Fund.**

- For benefits in respect of occupational injuries and diseases:

## SENEGAL

### **Institution de Prévoyance-Retraite du Sénégal**

- For old age, invalidity and survivors' benefits

### **Caisse de Sécurité Sociale**

- For benefits in respect of occupational injuries and diseases, family and maternity benefits

### **Institutions de Prévoyance Maladie**

- Occupational diseases

## SIERRA LEONE

### **National Social Security and Insurance Trust (NASSIT)**

- For old age benefits
- Invalidity benefits
- Survivors' benefits

### **Ministry of Labour and Social Security/ Individual Employer**

- For benefits in respect of occupational injuries and diseases

## TOGO

### **Caisse Nationale de Sécurité Sociale**

- Family and Maternity benefits
- Work-related accidents and occupational diseases
- For old age, invalidity and survivors' benefits

### **Institut National d'Assurance Maladie Obligatoire**

- Healthcare benefits

### **Caisse des Retraités du Togo**

- For old age, invalidity benefits;
- Family benefits



### ANNEX 3

#### Article 3 of the Arrangement

#### Institutions designated by the competent authorities as responsible for issuing a certificate of temporary employment abroad

BENIN	Benin Social Security Office
BURKINA FASO	National Social Security Fund
CAPE VERDE	Institute of Insurance and Social Security
COTE D'IVOIRE	National Social Insurance Fund
GAMBIA	Social Security and Housing Finance Corporation
GHANA	Social Security and National Insurance Trust Ministry of Labour
GUINEA	National Social Security Fund
GUINEA BISSAU	National Institute of Insurance and Social Security
LIBERIA	National Social Security and Welfare Corporation Ministry of Labour
MALI	National Social Insurance Institute
NIGER	National Social Security Fund
NIGERIA	National Social Insurance Trust Fund Ministry of Labour and Productivity
SENEGAL	Social Security Fund, Ministry of Labour
SIERRA LEONE	The individual employer - Ministry of Labour
TOGO	National Social Security Fund - Ministry of Labour

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**H. E. Dr. Thomas Boni YAYI**  
President of the Republic of Benin



**H. E. Blaise COMPAORE**  
President of Burkina Faso

**H. E. José Maria PEREIRA NEVES**  
Prime Minister of Cape Verde

**H. E. Alassane OUATTARA**  
President of the Republic of Côte d'Ivoire

**H. E. Isatou NJIE SAIDY**  
Vice-President of The Gambia,  
For and on behalf of the President  
of the Republic

**H. E. John Dramani MAHAMA**  
President of the Republic of Ghana

**H. E. Prof. Alpha CONDE**  
President of the Republic of Guinea

**H. E. Manual Serifo NHAMADJO**  
Interim President of the  
Republic of Guinea Bissau

**H. E. Ellen JOHNSON-SIRLEAF**  
President of the Republic of Liberia

**H. E. Prof. Dioncounda TRAORE**  
Interim President of the  
Republic of Mali

**H. E. Mahamadou ISSOUFOU**  
President of the Republic of Niger

**H. E. Dr. Goodluck Ebele JONATHAN, GCFR**  
President, Commander-in-Chief of the  
Armed Forces of the Federal Republic of Nigeria

**H. E. Mankeur NDIAYE**  
Minister of Foreign Affairs and Senegalese in Diaspora  
For and on behalf of the President of the Republic

**H. E. Ernest Bai KOROMA**  
President of the Republic of Sierra Leone

**H. E. Elliott OHIN**  
Senior Minister of Foreign Affairs and Cooperation  
For and on behalf of the President of the Togolese Republic