

ADMINISTRATIVE ARRANGEMENT
RELATIVE TO THE IMPLEMENTATION OF
THE CONVENTION ON SOCIAL SECURITY
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES
AND
THE GOVERNMENT OF THE FRENCH REPUBLIC

In accordance with the provisions of Article 23, paragraph 2a) of the Convention on Social Security between the Government of the Republic of the Philippines and the Government of the French Republic, hereby named "the Convention", the competent authorities of the two Contracting States have agreed on the following provisions for the implementation of the Convention:

TITLE I

GENERAL PROVISIONS

ARTICLE 1

The terms used in the present Administrative Arrangement have the same meaning as in the Convention.

ARTICLE 2

1. In accordance with Article 23, paragraph 3 of the Convention, the liaison bodies designated by the competent authorities of the two Contracting States are:
 - a) For the Philippines
 - The Social Security System
 - b) For France
 - The "Centre de Sécurité Sociale des Travailleurs Migrants"
2. The competent Philippine and French authorities establish by common agreement the procedures and forms necessary for the implementation of the Convention and of the present Administrative Arrangement.

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TITLE II

PROVISIONS RELATIVE TO INSURANCE

ARTICLE 3

1. For the implementation of Title II of the Convention,
 - a) When the legislation of a Contracting State remains applicable under Article 6 a) of the Convention, the competent institution of this Contracting State, designated in paragraph 3, issues in quadruplicate at the request of the employer a "certificate of assignment" for the duration of the mission, attesting that the salaried worker, with regard to the professional activity concerned, remains subject to this legislation. ✓

The competent institution keeps a copy, gives one to the employer and two to the worker (one for himself and one for the competent institution of the State where he will be assigned.)
 - b) The certificate referred to in a) dispenses the interested party from compulsory coverage under the legislation of the other Contracting State.
 - c) The certificate referred to in a) mentions the eligible dependents of the worker who accompany him.
2. The workers referred to in Article 6 b) of the Convention must have a certificate attesting to the fact that they remain subject to the legislation of the social security of the Contracting State where the firm has its head office.
3. The certificates mentioned in paragraphs 1 and 2 are issued:
 - a) in the Philippines by:

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b) in France by:

- the "Caisse Primaire d'Assurance Maladie" for those insured under the general scheme of the Social Security,
- the institution in charge of a special scheme of the social security for those insured under this special scheme,
- the "Caisse de Mutualité Sociale Agricole" for those insured under the agricultural scheme,
- The "Etablissement National des Invalides de la Marine" for those insured under the scheme for seamen.

ARTICLE 4

1. The right of option provided for in Article 7, paragraph 3 of the Convention may be exercised at any moment in the course of the salaried activity of the interested party, but can only be exercised once.
2. For the exercise of this right, the interested party submits a form-request to the competent institution of the State whose social security scheme he has opted for.
3. The option takes effect starting from the date of the application.

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TITLE III

PROVISIONS RELATIVE TO BENEFITS

Chapter I

GENERAL PROVISIONS

ARTICLE 5

The medical and administrative verification of beneficiaries of pensions or allowances is effected at the request of the paying institution of the State of residence of the beneficiary. Nevertheless, the competent institution may choose to have the beneficiary examined, at its own expense, by another doctor or by a doctor of its choice.

The institution of the State of residence takes charge, in particular, of the administrative monitoring of the resources of eventual beneficiaries of increases in old-age insurance for dependent spouses.

ARTICLE 6

1. The benefits extended by an institution of one of the two Contracting States are paid directly to the beneficiary in accordance with the legislation of the said Contracting State.
2. The legislation of one of the two Contracting States which stipulates the reduction, suspension or suppression of the benefits after taking into account other social security benefits or other incomes, can be applied to the beneficiaries even if these benefits are paid under the legislation of the other Contracting State or if the interested party receives income in the territory of the other Contracting State.
3. Notwithstanding paragraph 2, the benefits for old-age, survivor or disability extended by the institution of one of the two Contracting States in accordance with Title III of the Convention are not reduced after taking into account benefits of the same nature which are extended by an institution of the other Contracting State.

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ARTICLE 7

The benefits that are granted by the institution of one of the two Contracting States in accordance with the Convention are reassessed according to the same provisions as the granting of the benefits in implementation of the legislation of the said Contracting State.

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Chapter II

PROVISIONS RELATING TO OLD-AGE OR SURVIVOR BENEFITS

ARTICLE 8

Submission and evaluation of an application
for old-age or survivor benefits

1. The worker or the survivor of a worker residing in the Philippines or in France who, after having worked in the territory of either or both States, applies for old-age or survivor benefits, submits his request to the Philippine institution if he resides in the Philippines, to the French institution if he resides in France.

An application submitted to an institution of the other State must be accepted. In this case, the application in question must be transmitted without delay to the institution of the State of residence of the applicant, with an indication of the date when the application was initially received at the institution of the other State.

2. To support his application, the one applying for old-age benefit specifies either the institution(s) with which the worker was insured in the other State or the employer(s) who employed the worker in the territory of that State.
3. The application is evaluated by the competent institution of the State to which it has been properly addressed or transmitted in accordance with paragraph 1 above. This institution is referred to below as "the evaluating institution."

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ARTICLE 9

Liquidation of old-age or survivor benefits

A) Case wherein a right to an old-age pension or survivor pension is open in accordance with the legislation of the evaluating institution.

1. When the right to a pension is open in accordance with the legislation applied by the evaluating institution without having to resort to periods of insurance completed under the legislation of the other State, the said institution proceeds to the liquidation of the pension according to the terms of its own legislation.

It advises the competent institution of the other State of the separate liquidation of the pension through a form in which the statement of the periods of insurance to be used in the calculation of the pension appears prominently. Furthermore, and as far as possible, it should indicate the periods the salaried worker has completed in the territory of the other State. The transmission of this form to the competent institution of the other State takes the place of the submission of the supporting papers.

2. If the right to a pension is open in accordance with the legislation applied by the competent institution of the other State, taking into account solely the periods completed under this legislation, the said institution proceeds with the liquidation of the pension without resorting to periods of insurance completed under the legislation of the first State. Notification of its decision is addressed in a standard form, to the applicant on one hand, and to the evaluating institution, on the other.

If the right to a pension is not open in accordance with the legislation applied by the competent institution of the other State, the latter determines, after the totalisation of periods completed in the two States in the application of the provisions of Article 13 II b 3 of the Convention, the amount of the benefits (prorata pension) which the applicant can claim. Notification of its decision is addressed in a standard form to the applicant, on one hand, and to the evaluating institution, on the other.

B) Case wherein a right to an old-age or survivor pension is not open in accordance with the legislation of the evaluating institution.

1. When the right to a pension is not open in accordance with the legislation applied by the evaluating institution, the latter transmits to the competent institution of the other State an evaluation form indicating the periods of insurance completed under the legislation of the State of the evaluating institution. Furthermore, it should indicate, as far as possible, the periods of salaried work completed in the territory of the other State.

The transmission of this form to the competent institution of the other State takes the place of the submission of the supporting papers.

After the completed form is received, accompanied by a copy of the notification of the decision addressed to the applicant as indicated in paragraph 2, item 2 below, the evaluating institution then determines the rights that are open under its own legislation and determines, after the application of provisions of Article 13 II b 3 of the Convention, the amount of the benefits (prorata pension) which the applicant can claim. Notification of its decision is addressed to the applicant, on one hand, and to the competent institution of the other State, on the other.

2. Depending on whether the right is open or not in accordance with the legislation applied by the competent institution of the other State, the latter proceeds as indicated in A), paragraph 2, item 1 or 2.

The said institution completes the evaluation form referred to in B), paragraph 1, item 1 with the indication of the periods of insurance used in the calculation of the pension and returns this document to the evaluating institution. It notifies, furthermore, the applicant of the decision it has taken on his case, as well as the procedures and time-frames for appeals.

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ARTICLE 10

Pension for unfitness for work
(French legislation only)

1. When the benefits of old-age pension is applied for on the basis of unfitness for work in accordance with the French legislation and the applicant resides in the other State, the application is forwarded to the competent institution of the State of residence of the interested party, as indicated in Article 8, paragraph 1 of the present Arrangement.

The institution receiving the application will transmit to the institution of the other State the application of the interested party, as well as the evaluation form. To be attached to the application is a report made by the medical verification office which is territorially competent for the residence of the applicant, allowing the medical adviser of the competent institution to judge the unfitness for work in accordance with the interpretation of the French legislation.

2. When following an administrative verification or at the request of the institution paying the pension, it has been observed that the beneficiary of an old-age pension for unfitness for work has resumed work, a report is sent to the paying institution by the institution of the State of residence.

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Chapter III

PROVISIONS RELATIVE TO DISABILITY BENEFITS

ARTICLE 11

Submission of application for disability pension

1. In the case wherein the applicant does not reside in the territory of the State where the interruption of work due to disability took place, he addresses his application for disability pension to the competent institution of his State of residence in accordance with the modalities provided for by the legislation being applied by this institution. The date when the application was submitted to this institution is considered to be the date of the application's submission to the institution in the other State where the applicant is insured.
2. The application has to be submitted together with the necessary supporting documents required by the legislation which is being applied by the institution evaluating the request. In addition, the applicant has to indicate, as far as possible, the institution of the other State with which he has been insured, as well as his employer or employers in that State, by submitting the employment certificates which he might have in his possession.
3. Nevertheless, the competent institution of the other State must accept the application directly submitted to it.

ARTICLE 12

Evaluation of the application for disability benefits

1. The institution of the State of residence where the application has been submitted in accordance with the above stated Article 11, paragraphs 1 and 2, transmits this application to the competent institution of the other State in an application form, together with the available supporting documents.

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The application form must mention the periods of insurance and the equivalent periods completed in the applicant's State of residence, as well as the date of filing of the application.

2. The competent institution of the other State, upon receipt of these documents, proceeds to the study of the interested party's rights as well as the calculation of the benefits which he can claim, taking into account, if the case arises, the provisions of Article 10 of the Convention relative to the totalisation of periods of insurance and then informs the institution of the State of residence.

ARTICLE 13

Determination of the degree of disability

To determine the degree of disability, the competent institution takes into consideration all the documents and medical reports, as well as information of administrative nature gathered by the institution of the other State. However, the competent institution responsible for the liquidation of the pension may choose to have the applicant examined, at its own expense, by another doctor or by a doctor of its choice, in liaison with the institution of the State of residence.

ARTICLE 14

Notification

The competent institution notifies the applicant by registered mail with acknowledgment of receipt, the decision taken, as well as the procedures and time limits for appeals provided for by the legislation which it is applying.

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ARTICLE 15

Verification report

1. If, as a result of an administrative verification or at the request of the paying institution, it is proven that the beneficiary of a disability pension of one of the two States has resumed work in the other State, a report is forwarded to the paying institution by the institution of the other State.
2. This report indicates the nature of the work done, the amount of the wages of the worker concerned, and if possible, the usual remuneration in the same region of a worker having the same professional category as the one he was exercising before becoming disabled, as well as the opinion of a doctor on the state of health of the interested party.

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TITLE IV

VARIOUS PROVISIONS

ARTICLE 16

1. For the implementation of Article 21 of the Convention in view of admission to voluntary insurance programs provided for by the social security legislation of the Contracting State where he resides, the interested party who needs to resort to the periods of insurance or equivalent ones completed in the territory of the other State, is obliged to submit to the institution for voluntary insurance of the State of his residence, a certification which indicates the said periods of insurance or equivalent ones.
2. The above-mentioned certification is issued, upon request of the interested party, by the institution of the State where he was previously insured before his departure for the other State.

ARTICLE 17

1. For the implementation of Article 22 of the Convention, the term "family benefits" in the French scheme is composed of the family allowances as such and allowance for young child under 3 months old.
2. The family benefits are paid directly by the institution responsible for family benefits of the State where the worker is insured according to the rate and modalities prescribed by the legislation of the said institution.
3. The worker should inform, either directly or through the representative of his employer, the competent institution of the State to which he is insured of any change in the status of his children that may bring about changes in family benefits, all modifications in the number of children who are covered by said benefits and the change of address of the children.

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ARTICLE 18

1. If the institutions of the Contracting States render assistance in accordance with Article 23, paragraph 1 of the Convention, all expenses other than the operating and service fees of the institution rendering assistance are reimbursed by the institution which requested for it.
2. The institution of either Contracting States furnishes, free of charge, all information and medical documents in its possession concerning the disability of the applicant or the beneficiary, to the institution of the other Contracting State which requested for them.
3. If the institution of one of the two Contracting States requests that a person residing in the territory of the other Contracting State who is receiving or requesting for benefits under the Convention to undergo a medical examination, this medical examination, which is requested by the first institution, will be made by the institution of the other Contracting State in accordance with the regulations applied by the latter, and at the expense of the institution which requested for it.
4. The expenses incurred in implementation of paragraph 1 or 3 will be reimbursed upon presentation of a receipt.

ARTICLE 19

For the purposes of centralization of financial information, liaison bodies of the two Contracting States shall exchange statistics indicating payments given to the beneficiaries in implementation of the Convention. These statistics shall be submitted every year in a format to be determined through a common agreement among the competent authorities of liaison bodies.

ARTICLE 20

1. For the implementation of Article 28, paragraph 3 of the Convention, all disputes between the Parties concerning the interpretation or implementation of the Convention will be submitted to a Commission of Arbitration if the Parties have failed to settle their disputes through negotiations or any other manner. The decision of the Commission of Arbitration will be considered final and both Parties are obliged to follow.

2. The Commission is composed of three arbiters chosen through a common agreement by the contesting Parties. If after three months from the date of request for arbitration, the contesting Parties have not agreed to the choice of an arbiter or arbiters, any of the two Parties can request the Secretary-General of the United Nations Organization to conduct the necessary designation or designations.
3. The procedures in matters of arbitration are governed by internationally recognized principles. The decision of the Commission taken from the basic general principles of international law should be in accordance with the provisions of the Convention.

ARTICLE 21

Models of the necessary forms to be used in procedures and formalities provided for in the present Arrangement are annexed to an additional administrative arrangement.

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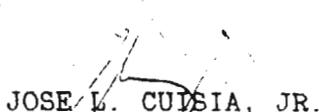
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ARTICLE 22

The present Administrative Arrangement will enter into effect on the same date as the Convention and will have the same validity period.

Done in Manila on the 7th of February 1990 in two copies in the English and French languages, with both texts being equally authentic.

For the competent
authority of the Philippines


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