

**CONVENTION ON SOCIAL SECURITY BETWEEN THE
GOVERNMENT OF THE REPUBLIC OF THE PHILIPPINES AND THE
GOVERNMENT OF THE FRENCH REPUBLIC**

The Government of the Republic of the Philippines, on one hand,
and

The Government of the French Republic, on the other,

Desirous of regulating the relations between the two countries on the subject of Social Security, have agreed to the following provisions:

**TITLE I
GENERAL PROVISIONS**

**ARTICLE 1
DEFINITIONS**

For the purpose of the present Convention:

1. The expression "territory" of a designated contracting" State, in accordance with the international law, refers to:

A) For the Philippines the territory as defined in the Philippine Constitution of 1987, including the territorial waters as well as the zone situated beyond the territorial sea over which the Philippines can exercise its sovereign rights of exploration and exploitation, conservation and management of biological or non-biological natural resources.

B) For France: the territories of the European departments and the overseas departments of the French Republic, including their territorial waters as well as the zone beyond the territorial sea on which France can exercise its sovereign rights of exploration and exploitation, conservation and the management of biological and non-biological natural resources.

2. The term "national" refers to:

A) For the Philippines: a national as defined in the Philippine Constitution of 1987.

B) For France: a person of French nationality ;

3. The term "worker" refers to:

A) For the Philippines: an employee as defined under the Social Security Law;

B) For France: a person exercising a salaried (wage-earning) activity or assimilated in the sense of French legislation.

4. The term "legislation" refers to the laws and regulations specified in Article 2.

5. The expression "competent authority" refers to:

A) For the Philippines: the Administrator of the Social Security System.

B) For France: the Ministers in charge, each one in his competence, with the implementation of the legislation specified in paragraph 1 a) of Article 2.

6. The expression "competent institution" refers to the administration or organization in charge of the implementation of legislation specified in Article 2.

7. The expression "period of insurance" refers to a period of payment of contributions coming from a wage-earning job, defined or recognized as a period of insurance by the respective legislation of the Contracting States, under which this period has been completed or all other equivalent periods for as long as it is recognized by their respective legislation as equivalent to a period of insurance.

8. The term "benefits" refers to cash benefits or in kind of a contributive nature envisaged by the legislation of either Contracting States.

9. The term "stateless person" refers to a person defined as stateless by Article 1 of the New York Convention relative to the Status of Stateless Persons dated 28 September 1954.

10. The term "refugee" refers to a person defined as refugee by Article 1 of the Geneva Convention relative to the Status of Refugees dated 28 July 1951 and by the Protocol to this Convention dated 31 January 1967.

11. The expression "official language" means for the Philippines the English language, for France the French language.

12. All other terms not defined in the present Article have the meaning conferred on them by the applicable legislation.

ARTICLE 2 APPLICABLE LEGISLATIONS

1. The present Convention is applicable:

a) In the Philippines, to all legislation concerning:

i. old age

ii. disability

iii. death and survivor

iv. temporary incapacity to work due to sickness or accident which are not work related

v. maternity

vi. work related accidents and occupational illness

b) In France to:

i. The legislation fixing the organization of the social security;

ii. The legislation fixing the scheme of social insurance is applicable to salaried (wage-earning) workers of non-agricultural professions to salaried (wage-earning) workers of agricultural professions;

iii. The legislation relative to the prevention and to the reparation of work-related accidents and to professional illness;

iv. The legislation relative to family benefits;

v. The legislation relative to the special schemes of social security in so far as they concern the risks and benefits covered by the legislation enumerated above, to the exclusion however of the special scheme of government service;

vi. The legislation relative to the scheme of seamen.

2. As exception to the provisions of paragraph 1 b) ii of the present Article, the present Convention does not apply to the provisions that French legislation extends to French nationals who work or have worked outside of French territory the right to adhere to voluntary insurance.

3. The present Convention will apply equally to legislative , acts modifying or completing the legislation specified in paragraph 1; however, it will apply to future legislative acts of a Contracting State creating new categories of beneficiaries only if there is no opposition from the competent authority of this Contracting State, transmitted to the competent authority of the other Contracting State in writing within a period of three months from the date of publication of the new legislative act.

4. Except for contrary provisions envisaged by the present, Convention, the legislative acts in the meaning of paragraph 1 does not comprise the acts of social security taken in application of treaties setting up the European Community or the treaties or other international agreements being in force between one or the other of the Contracting States and a third State, nor the laws or regulations promulgated for the purpose of their implementation.

ARTICLE 3 PERSONS INSURED

Except for contrary provisions, the present Convention is applicable:

a. to workers, nationals of either Contracting State; refugees and stateless persons, defined in Article 1, and who are or who have been subject to the legislations referred to in Article 2.

b. to the dependents of the persons mentioned in item a.

ARTICLE 4 EQUALITY OF TREATMENT

Except for contrary provisions of the present Convention, the persons residing in the territory of a Contracting State and to whom the provisions of the present Convention are applicable, are subject to the obligations and benefit from the

coverage of the legislation of social security in force in this Contracting State under the same conditions as the nationals of this Contracting State.

TITLE II
PROVISIONS RELATIVE TO THE INSURANCE

ARTICLE 5
APPLICABLE LEGISLATION

1. The workers engaged in the territory of one Contracting State are subject only to the legislation of this Contracting State, even if the seat of the enterprise or the domicile of the employer is found in the territory of the other Contracting State.
2. The crew of a ship flying the flag of a Contracting State is subject to the legislation of the State of the flag.

ARTICLE 6
EXCEPTIONS TO THE APPLICABLE LEGISLATION

As exceptions to the provisions of Article 5:

- a. The worker engaged by an enterprise having its head office in the territory of one Contracting State, who is sent by his employer to carry out work on the territory or on the ship of the other Contracting State, remains subject to the legislation of the first Contracting State, on the condition that the envisaged duration of work does not go beyond 36 months. If the duration of work to be carried out must be prolonged beyond the period foreseen above, the legislation of the first State remains applicable during a new period of 36 months.
- b. The navigating personnel of the public or private enterprise of international air transport of either Contracting State is subject exclusively to the legislation of the Contracting State where the enterprise has its head office.

ARTICLE 7
DIPLOMATIC AND CONSULAR PERSONNEL CIVIL SERVANTS AND OTHER CATEGORIES OF PERSONNEL

1. The present Convention does not affect the provisions of the Vienna Convention on diplomatic relations of 18 April 1961 nor those of the Vienna Convention on consular relations of 24 April 1963.
2. The nationals of one Contracting State employed by the Government of this Contracting State on the territory of the other Contracting State but who are not excluded from the legislation of the other Contracting State under the conventions mentioned in paragraph 1, are subject only to the legislation of the first Contracting State. For the purpose of the present paragraph, the meaning of employment by the government of one Contracting State comprises the job of civil servants and military state employees and other personnel as well as the salaried employees in the service of the government of that Contracting State or of an organization dependent on the government of that Contracting State, on the territory of the other Contracting State.

3. The salaried personnel of diplomatic or consular posts other than those referred to in paragraphs 1 and 2 above mentioned, as well as those workers in the personal service of agents of these posts or of all other categories of persons mentioned in paragraph 2, can opt for the application of the legislation of the State represented, as long as they are nationals of this State or have been previously affiliated with the Social Security system of said State.

ARTICLE 8

The competent authorities of the two Contracting States can accept exceptions to the provisions of the present title in favor of a person or a category of persons, on the condition that the interested party is subject to the legislation of one Contracting State.

ARTICLE 9

The provisions of Articles 6 and 8 are applicable without condition of nationality since the persons concerned are subject at the same time to legislations of the two Contracting States.

TITLE III PROVISIONS RELATIVE TO BENEFITS

CHAPTER I General Provisions

ARTICLE 10

If the legislation of a Contracting State subjects the opening, the maintenance or the reopening of right to benefits to the completion of periods of insurance, the competent institution of the said State will take into account, as is necessary, the periods of insurance completed under the legislation of the other Contracting State, on the condition that the interested party has resumed a salaried (wage-earning) activity in the former State.

ARTICLE 11

Except for contrary provisions in this Convention, the benefits in cash for disability, old-age or survivor, the pension for work related accident or professional illness and death allowance accorded under the legislation of one Contracting State, cannot be made the object, of any restriction of rights, nor of any reduction, modification, suspension, annulment, or debarment for the sole reason that the persons referred to in Article 3 do not reside in the territory of one Contracting State.

ARTICLE 12 PAYMENT OF BENEFITS

The benefits, due under the legislation of either Contracting State or in implementation of the Convention, are paid directly to the persons concerned, even if they no longer reside in the territory of either Contracting State.

CHAPTER II Provisions relative to old-age and survivor benefits

ARTICLE 13