

Declaration by France pursuant to Article 9 of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems for the reference year ending on 31 December 2021

All the legislation listed below falls within the material scope of Regulation (EC) No 883/2004 on European coordination and has been in force since 1 May 2010. In addition, the applicable legislation in the Department of Mayotte has fallen within the material scope of the Regulation since 1 January 2014, the date on which the Department was integrated as an Outermost Region of the Union.

I. DECLARATIONS REFERRED TO IN ARTICLE 1(L) OF REGULATION (EC) NO 883/2004 AND THE DATE FROM WHICH THE REGULATION IS APPLICABLE

- Declaration of 28 May 2010 on the application of Regulation (EC) No 883/2004 to the UNEDIC unemployment insurance scheme. Application from 1 May 2010.
- Declaration of 28 May 2010 on the application of Regulation (EC) No 883/2004 to the ARRCO supplementary retirement scheme for employed persons and the AGIRC supplementary retirement scheme for managerial staff. Application from 1 May 2010.

II. LEGISLATION AND SCHEMES REFERRED TO IN ARTICLE 3 OF REGULATION (EC) NO 883/2004 AND THE DATE FROM WHICH THE REGULATION IS APPLICABLE

Law No 2017-1836 of 30 December 2017 on social security financing for 2018 enacts a major structural reform in the area of social protection, bringing the Social Security Scheme for Self-Employed Workers (RSI) alongside the General Scheme from 1 January 2018. Without disrupting the rights of self-employed workers, this reform refashions the RSI, which is becoming 'social security for self-employed workers'.

1. Sickness benefits

(i) Benefits in kind

Article L. 111-2-2 and L. 111-2-3, Article L. 160-1 et seq. of the Social Security Code (SSC), universal health protection common to all schemes for employed persons and to social security for self-employed workers and for the health insurance that is available conditional upon stable and legal residence (common rules for benefits in kind).

a) General scheme for employed persons: Article L. 160-8 affiliated schemes (including artists and authors: L. 382-1 et seq.) and subsidiary schemes;

b) Scheme for employed agricultural workers: Article L. 741-9 et seq. of the Rural and Maritime Fishing Code (RMFC);

c) Scheme for self-employed agricultural workers: Article L. 732-3 et seq. RMFC (self-employed agricultural workers in metropolitan France);

d) Social security for self-employed workers: Article L. 611-1 et seq. SSC;

e) Special schemes for employed persons (Article L. 711-1 SSC) listed in Article R. 711-1 of the Social Security Code:

- Seamen: Decree of 17 June 1938 as amended;
 - Miners: Decree No 46-2769 of 27 November 1946 as amended;
 - Notary clerks and employees: Law of 12 July 1937 as amended;
 - SNCF : Decree of 6 August 1938 as amended;
 - RATP: Decree No 2004-174 of 23 February 2004 as amended;
 - Electrical and gas industries: Decree No 46-1541 of 22 June 1946 as amended;
 - Civil and military state officials, local and district officials and state workers are affiliated to the general scheme for employed persons for sickness benefits in kind but receive continued payment of salary from the employing administration for sickness benefits in cash.
- f) Local sickness insurance scheme in Haut-Rhin, Bas-Rhin and Moselle (Article L. 325-1 et seq. SSC and Article L. 761-1 et seq. RMFC);
- g) Legislation concerning the personal independence allowance (allocation personnalisée d'autonomie, APA) (Article 232-3 et seq. of the Code de l'action sociale et des familles (Family and social action code));
- h) Scheme applicable in Guadeloupe, Guyana, Martinique and Réunion and in the collectivities of Saint Barthélemy and Saint Martin (Article L. 751-1 et seq. SSC for employed persons) and Article L. 762-1 et seq. RMFC (for self-employed agricultural workers in the departments of Guadeloupe, Guyana, Martinique and Réunion and in the collectivities of Saint Barthélemy and Saint Martin);
- i) Scheme applicable to the overseas department of Mayotte as most recently amended by Order No 2011-1923 of 22 December 2011 on the change in social security in Mayotte as a result of its becoming a department.

Means-tested supplementary health protection conditional on stable and legal residence (Article L. 861-1 et seq. SSC)

Article 51 of the Law on social security financing for 2019 establishes a system allowing full cover through compulsory health insurance (social security) and supplementary health care for prosthetic dental treatment, optical costs and 'basic' hearing costs (care services and equipment identified in a specific basket for three treatment items: audiology (hearing aids), optics (spectacles) and dentistry (dental prostheses). Article L. 871-1 et seq. of the Social Security Code.

That offer is available to beneficiaries of 'responsible' supplementary health care (*complémentaire santé responsable*) or, since 1 November 2019, beneficiaries of solidarity-based supplementary health care.

Article 52 of the Law on social security financing for 2019 provided for the extension of current CMU-C cover to persons who are eligible today for financial aid for supplementary health care (ACS), and consequently the abolition of the latter. Since 1 November 2019, supplementary health care groups together universal supplementary health cover (CMU-C) and ACS. Article L. 861-1 of the Social Security Code.

(ii) Benefits in cash

- a) General scheme for employed persons: Article L. 311-1 et seq. of the Social Security Code;
- b) Scheme for employed agricultural workers: Article L. 742-3 of the Rural and Maritime Fishing Code (RMFC) by reference to Article L. 311-1 SSC;
- c) Scheme for self-employed agricultural workers: Article L. 732-4 RMFC (self-employed agricultural workers in metropolitan France);
- d) Social security for self-employed workers: Article L. 611-1 et seq. SSC;
- e) Special schemes for employed persons (Article L. 711-1 SSC) listed in Article R. 711-1 of the Social Security Code:
 - Seamen: Decree of 17 June 1938 as amended;
 - Miners: Decree No 46-2769 of 27 November 1946 as amended;
 - Notary clerks and employees: Law of 12 July 1937 as amended;
 - SNCF : Decree of 6 August 1938 as amended;
 - RATP: Decree No 2004-174 of 23 February 2004 as amended;
 - Electrical and gas industries: Decree No 46-1541 of 22 June 1946 as amended;
 - Civil and military state officials, local and district officials and state workers are affiliated to the general sickness scheme for employed persons but receive continued payment of salary from the employing administration for sickness benefits in cash;
- f) Scheme applicable in Guadeloupe, Guyana, Martinique and Réunion and in the collectivities of Saint Barthélemy and Saint Martin (Article L. 751-1 et seq. SSC for employed persons) and Article L. 762-1 et seq. RMFC (for self-employed agricultural workers in the departments of Guadeloupe, Guyana, Martinique and Réunion and in the collectivities of Saint Barthélemy and Saint Martin).

2. Maternity and equivalent paternity benefits

(i) Benefits in kind

Article L.160-9 of the Social Security Code

(ii) Benefits in cash

- a) General scheme (L. 330-1, L.331-1, L. 331-3 to L. 331-8 and L. 333-1 to L. 333-3 SSC), affiliated schemes (including artists and authors: Article L. 382-1 et seq. SSC) and subsidiary scheme (Article L. 380-1 et seq. SSC for maternity benefits in kind);
- b) Scheme for employed agricultural workers: Article L. 741-9 et seq. RMFC;
- c) Scheme for self-employed agricultural workers: Article L. 732-3 et seq. RMFC;

d) Social security for self-employed workers: L. 623-1 et seq. SSC;

e) Special schemes for employed persons (Article L. 711-1 SSC) listed in Article R. 711-1 of the Social Security Code:

- Seamen: Decree of 17 June 1938;

- Miners: Decree No 46-2769 of 27 November 1946 as amended;

- Notary clerks and employees: Law of 12 July 1937 as amended;

- SNCF : Decree of 6 August 1938 as amended;

- RATP: Decree No 2004-174 of 23 February 2004 as amended;

- Electrical and gas industries: Decree No 46-1541 of 22 June 1946 as amended;

- Civil and military state officials, local and district officials and state workers are affiliated to the general scheme for employed persons for maternity benefits in kind but receive continued payment of salary from the employing administration for maternity benefits in cash in the event of maternity leave;

f) Scheme applicable in Guadeloupe, Guyana, Martinique and Réunion and in the collectivities of Saint-Barthélemy and Saint Martin (Article L. 751-1 et seq. SSC);

g) Maternity insurance scheme applicable to the overseas department of Mayotte (employed, self-employed) as most recently amended by Order No 2011-1923 of 22 December 2011 on the change in social security in Mayotte as a result of its becoming a department.

3. Invalidity benefits

(i) Benefits in kind

None

(ii) Benefits in cash

a) General scheme (Article L. 341-1 et seq. SSC), affiliated schemes (including artists and authors: Article L. 382-1 et seq. SSC);

b) Scheme for employed agricultural workers: Article L. 741-9 et seq. RMFC;

c) Scheme for self-employed agricultural workers: Article L. 732-3 et seq. RMFC;

d) Social security for self-employed workers: Article L. 632-1 et seq. SSC;

e) Scheme for liberal professions: Article L. 644-1 et seq. SSC (including Mayotte);

f) Scheme for lawyers: Article R. 723-54 et seq. SSC;

g) Special schemes for employed persons (Article L. 711-1 SSC) listed in Article R. 711-1 of the Social Security Code:

- Civil and military state officials: Article L. 14 et seq. of the Civil and Military Retirement Pensions Code;
- State workers: Decree No 2004-1056 of 5 October 2004 as amended;
- Local government sector: Decree No 2003-1306 of 26/12/2003 as amended;
- Seamen: Decree of 17 June 1938 as amended;
- Miners: Decree No 46-2769 of 27/11/1946 as amended;
- Opéra national de Paris: Decree No 68-382 of 05/04/1968 as amended;
- Comédie française: Decree No 68-960 of 11/10/1968 as amended;
- Notary clerks and employees: Law of 12 July 1937 as amended;
- SNCF : Decree of 6 August 1938 as amended;
- RATP: Decree No 2004-174 of 23/02/2004 as amended;
- Electrical and gas industries: Decree No 46-1541 of 22/06/1946 as amended;
- Banque de France: Decree No 2007-262 of 27/02/2007 as amended;

h) Legislation concerning optional continued insurance for persons resident outside France (Article L. 762-1 et seq. SSC);

i) Schemes applicable in Guadeloupe, Guyana, Martinique and Réunion and in the collectivities of Saint-Barthélemy and Saint Martin (Article L. 751-1 et seq. SSC);

j) Scheme applicable to the overseas department of Mayotte created by Order No 2011-1923 of 22 December 2011 on the change in social security in Mayotte as a result of its becoming a department.

4. Old age benefits

(i) Benefits in kind

None

(ii) Benefits in cash

a) General scheme (Article L. 351-1 et seq. SSC) and affiliated schemes (including artists and authors: Article L. 382-1 et seq. SSC);

b) Scheme for employed agricultural workers: R. 742-19 et seq. SSC;

c) Scheme for self-employed agricultural workers: Article L. 732-18 et seq. SSC;

d) Self-employed workers' social security scheme: Article L. 634-2 et seq. SSC;

e) Scheme for liberal professions (including Mayotte): Article L. 641-1 et seq. SSC;

f) Scheme for lawyers: Article L. 723-10 et seq. SSC;

g) Special schemes for employed persons (L. 711-1 SSC):

- Civil and military state officials: Article L. 14 et seq. of the Civil and Military Retirement Pensions Code;
- State workers: Decree No 2004-1056 of 05/10/2004 as amended;
- Local government sector: Decree No 2003-1306 of 26/12/2003 as amended;
- Seamen: Transport Code, Part V;
- Miners: Decree No 46-2769 of 27 November 1946 as amended;
- Opéra national de Paris: Decree No 68-382 of 5 April 1968 as amended;
- Comédie française: Decree No 68-960 of 11 October 1968 as amended;
- Notary clerks and employees: Law of 12 July 1937 as amended;
- SNCF : Decree No 2008-639 of 30 June 2008 as amended;
- RATP: Decree No 2004-174 of 23 February 2004 as amended;
- Electrical and gas industries: Decree No 46-1541 of 22 June 1946 as amended;
- Banque de France: Decree No 2007-262 of 27 February 2007 as amended;

h) Legislation concerning optional continued insurance and voluntary insurance for persons resident in France and persons resident outside France (Articles L. 742-1 et seq. and L. 762-1 et seq. SSC);

i) Schemes applicable in Guadeloupe, Guyana, Martinique and Réunion and in the collectivities of Saint-Barthélemy and Saint Martin (Article L. 751-1 SSC);

j) Supplementary retirement schemes

Compulsory supplementary retirement schemes (Article L. 921-1 SSC) for employees from ARRCO (national cross-industry supplementary retirement pension agreement of 8 December 1961 as amended), AGIRC (national collective agreement for senior executives of 14 March 1947 as amended), IRCANTEC (Decree No 70-1277 of 23 December 1970 as amended) and the Caisse de Retraite des Personnels Navigants (navigation personnel retirement scheme (CRPN)): Article L. 426-4 et seq. of the Civil Aviation Code;

Compulsory supplementary retirement scheme for self-employed agricultural workers (Article L. 732-56 et seq. RMFC)

Compulsory supplementary retirement schemes for self-employed workers (Article L. 635-1 et seq. and L. 644-1 et seq. SSC);

Additional retirement scheme for civil and military state officials: Decree No 2004-569 of 18 June 2004 as amended;

k) Old age insurance scheme (employed and self-employed) applicable to the overseas department of Mayotte as most recently amended by Order No 2011-1923 of 22 December 2011 on the change in social security in Mayotte as a result of its becoming a department.

5. Survivors' benefits

(i) Benefits in kind

None

(ii) Benefits in cash

a) General scheme (Article L. 351-1 et seq. SSC) and affiliated schemes (including artists and authors: Article L. 382-1 et seq. SSC);

b) Scheme for employed agricultural workers: Article R. 742-19 et seq. RMFC;

c) Scheme for self-employed agricultural workers: Article L. 732-41 et seq. RMFC;

d) Social security scheme for self-employed workers (Article R. 634-6 et seq. SSC);

e) Scheme for liberal professions (Article L. 643-7 SSC);

f) Special schemes for employed persons (Article L. 711-1 SSC);

- Civil and military state officials: Article L. 14 et seq. of the Civil and Military Retirement Pensions Code;

- State workers: Decree No 2004-1056 of 5 October 2004 as amended;

- Local government sector: Decree No 2003-1306 of 26 December 2003 as amended;

- Seamen: Transport Code, Part V;

- Miners: Decree No 46-2769 of 27/11/1946 as amended;

- Opéra national de Paris: Decree No 68-382 of 5 April 1968 as amended;

- Comédie française: Decree No 68-960 of 11 October 1968 as amended;

- Notary clerks and employees: Law of 12 July 1937 as amended;

- SNCF : Decree No 2008/639 of 30 June 2008 as amended;

- RATP: Decree No 2004-174 of 23 February 2004 as amended;

- Electrical and gas industries: Decree No 46-1541 of 22/06/1946 as amended;

- Banque de France: Decree No 2007-262 of 27 February 2007 as amended;

g) Legislation concerning optional continued insurance and voluntary insurance for persons resident in France and persons resident outside France (Articles L. 742-1 et seq. and L. 762-1 et seq. SSC);

h) Scheme applicable in Guadeloupe, Guyana, Martinique and Réunion and in the collectivities of Saint-Barthélemy and Saint Martin (Article L. 751-1 SSC);

i) Compulsory supplementary retirement schemes from ARRCO (national cross-industry supplementary retirement pension agreement of 8 December 1961 as amended), AGIRC (national collective agreement for senior executives of 14 March 1947 as amended), IRCANTEC (Decree No 70-1277 of 23 December 1970 as amended) and the Caisse de Retraite des Personnels Navigants (navigation personnel retirement scheme (CRPN)): Article L. 426-4 et seq. of the Civil Aviation Code;

j) Compulsory supplementary retirement schemes for self-employed workers (Article L. 635-1 et seq. and L. 644-1 et seq. SSC);

k) Compulsory supplementary old-age insurance scheme for self-employed agricultural workers: Article L. 732-56 et seq. RMFC;

i) Additional retirement scheme for civil and military state officials: Decree No 2004-569 of 18/06/2004 as amended;

m) Old age insurance scheme (employed and self-employed) applicable to the overseas department of Mayotte as most recently amended by Order No 2011-1923 of 22 December 2011 on the change in social security in Mayotte as a result of its becoming a department.

6. Benefits in respect of accidents at work and occupational diseases

(i) Benefits in kind

None

(ii) Benefits in cash

a) General scheme and affiliated schemes: Article L. 411-1 et seq. SSC;

b) Scheme for employed agricultural workers: Article L. 751-1 et seq. RMFC;

c) Scheme for self-employed agricultural workers: Article L. 722-19 RMFC;

d) Scheme for self-employed workers: optional insurance possible; see Article L. 743-1 SSC;

e) Special schemes for employed persons: Article L 711-1 SSC:

- Seamen: Decree of 17 June 1938 as amended;

- Miners: Decree No 46-2769 of 27/11/1946 as amended;

- SNCF : Decree of 6 August 1938 as amended;

- RATP: Decree No 2004-174 of 23 February 2004 as amended;

- Electrical and gas industries: Decree No 46-1541 of 22/06/1946 as amended;

- Banque de France: Decree No 2007-262 of 27/02/2007 as amended;

f) Legislation concerning the allowance for asbestos workers (ATA) (Decree No 99-247 of 29 March 1999);

g) Schemes applicable in Guadeloupe, Guyana, Martinique and Réunion and in the collectivities of Saint-Barthélemy and Saint Martin (Article L. 751-1 et seq. SSC);

h) Scheme for the prevention of accidents at work and occupational diseases (employed and self-employed) applicable to the overseas department of Mayotte as most recently amended by Order No 2011-1923 of 22 December 2011 on the change in social security in Mayotte as a result of its becoming a department.

7. Death grants

Benefits in cash

a) General scheme (Article L. 361-1 et seq. SSC) and affiliated schemes (including artists and authors: Article L. 382-1 et seq. SSC);

b) Scheme for employed agricultural workers: Article L. 741-9 et seq. RMFC;

c) Scheme for self-employed agricultural workers: none;

d) Social security for self-employed workers (Article L. 635-1 et seq. SSC);

e) Schemes for liberal professions (including Mayotte);

f) Scheme for lawyers: none;

g) Special schemes for employed persons (Article L. 711-1 SSC):

- Seamen: Decree of 17/06/1938;

- Miners: Decree No 46-2769 of 27/11/1946 as amended;

- Notary clerks and employees: Law of 12 July 1937 as amended;

- SNCF : Decree of 6 August 1938 as amended;

- RATP: Decree No 2004-174 of 23 February 2004 as amended;

- Electrical and gas industries: Decree No 46-1541 of 22/06/1946 as amended;

- Banque de France: Decree No 2007-262 of 27/02/2007 as amended;

h) Schemes applicable in Guadeloupe, Guyana, Martinique and Réunion and in the collectivities of Saint-Barthélemy and Saint Martin (Article L. 751-1 et seq. SSC);

i) Scheme applicable to the overseas department of Mayotte created by Order No 2011-1923 of 22 December 2011 on the change in social security in Mayotte as a result of its becoming a department.

8. Unemployment benefits

(i) Benefits in kind

None.

(ii) Benefits in cash

a) UNEDIC unemployment insurance scheme: Article 5422-1 et seq. of the Labour Code and the Agreement of 14 April 2017 on unemployment insurance and associated texts;

b) Agreement of 24 March 2016 on unemployment benefits in Mayotte.

9. Pre-retirement benefits

(i) Benefits in cash

a) Legislation on the special allowance from the National Employment Fund (AS-FNE): Article R. 5123-12 et seq. of the Labour Code (scheme discontinued);

b) Legislation concerning the gradual early retirement allowance (PRP) for rights acquired (scheme discontinued on 1 January 2005): R. 5123-9 of the Labour Code;

c) Legislation concerning early retirement (cessation anticipée d'activité (Cats)): Article R. 5123-22 et seq. of the Labour Code.

10. Family benefits

(i) Benefits in kind

None

(ii) Benefits in cash

Legislation concerning family benefits: Article L. 511-1 et seq. SSC;

Employed agricultural workers: Article L. 742-1 et seq. RMFC;

Self-employed agricultural workers: Article L. 732-1 et seq. RMFC;

Legislation concerning family benefits in Mayotte amended by Order No 2011-1923 of 22 December 2011 on the change in social security in Mayotte as a result of its becoming a department.

11. Special non-contributory cash benefits

Special non-contributory cash benefits intended to guarantee a minimum subsistence income pursuant to Article 70(2)(a)(i) of Regulation (EC) No 883/2004

(i) Benefits in kind

None

(ii) Benefits in cash

Legislation concerning the solidarity allowance for elderly persons (allocation de solidarité aux personnes âgées (ASPA)) and, regarding rights acquired before 1 January 2006, those benefits which the ASPA replaced (Article L. 815-1 et seq. SSC). Legislation concerning the special allowance for elderly

persons (Article 28 et seq. of Order No 2002-411 of 27 March 2002 concerning health and social protection in Mayotte)

Special allowance for acquired rights (Law of 10 July 1952, codified in Book VIII SSC)

Special non-contributory cash benefits intended to provide specific protection for disabled persons with reference to the social environment pursuant to Article 70(2)(a)(ii) of Regulation (EC) No 883/2004

(i) Benefits in kind

None

(ii) Benefits in cash

Legislation concerning the disabled adults' allowance (AAH): Article L. 821-1 et seq. SSC;

Supplementary benefit from the special solidarity fund for invalidity (Law of 30 June 1956, codified in Book VIII SSC)

III. CONVENTIONS AS REFERRED TO IN ARTICLE 8(2) OF REGULATION (EC) NO 883/2004 AND THE DATE FROM WHICH THE REGULATION IS APPLICABLE

Agreement between the Government of the Republic of France and the Government of the Kingdom of Belgium on developing cooperation and mutual administrative assistance in the field of social security, signed on 17 November 2008.

Convention between the Grand Duchy of Luxembourg and the Republic of France on social security signed on 7 November 2005, in force since 1 September 2008.

Agreement in the form of an exchange of letters, dated 11 April and 17 June 2011, between the Government of the Grand Duchy of Luxembourg and the Government of the French Republic for the development of cooperation and mutual administrative assistance in the field of social security, in force since 1 November 2014.

IV. MINIMUM BENEFITS AS REFERRED TO IN ARTICLE 58 OF REGULATION (EC) NO 883/2004 AND THE DATE FROM WHICH THE REGULATION IS APPLICABLE

Minimum benefit (old age pension) referred to in Article L. 351-10 of the Social Security Code.

Incapacity pension, the minimum amount of which is referred to in Article L. 341-5 of the Social Security Code.

V. POSSIBILITY FOR ANY CATEGORY OF SELF-EMPLOYED PERSONS TO BE COVERED BY AN UNEMPLOYMENT BENEFITS SYSTEM (ARTICLE 65A(1) OF REGULATION (EC) NO 883/2004) AND LEGISLATIVE REFERENCE WHERE APPLICABLE

French legislation does not provide the possibility for any category of self-employed persons to be covered by the unemployment benefits system.