

Declaration by the French Republic 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 31 December 2022

All the legislation listed below falls within the material scope of Regulation (EC) No 883/2004 on European coordination and applies from 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 benefit scheme for employed persons and the AGIRC supplementary retirement benefit 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

1. Sickness benefits

(i) Benefits in kind

Articles L. 111-2-2, L. 111-2-3 and L. 160-1 et seq. of the Social Security Code (SSC), universal health protection common to all social security schemes for employed persons and self-employed workers and 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 creative artists/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 (French Railways): Decree of 6 August 1938 as amended;
 - RATP (Paris Public Transport System): 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 L. 232-3 et seq. of the Code de l'action sociale et des familles (Family and social action code));
- h) Scheme applicable in Guadeloupe, French Guiana, 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, French Guiana, 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 social supplementary health protection conditional on working or on stable and legal residence (Article L. 861-1 et seq. SSC)

(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, French Guiana, 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, French Guiana, 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 creative artists/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: 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, French Guiana, 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 creative artists/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) Invalidity and death benefit schemes for the liberal professions: Article L. 644-2 et seq. SSC (including Mayotte);

f) Invalidity and death benefit scheme for lawyers: Article L. 653-20 et seq. SSC (including Mayotte);

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 December 2003 as amended;

- Seamen: Decree of 17 June 1938 as amended;

- 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 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;

- Banque de France: Decree No 2007-262 of 27 February 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, French Guiana, 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 creative artists/authors: Article L. 382-1 et seq. SSC);

b) Scheme for employed agricultural workers: Article 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) Basic scheme for the liberal professions (including Mayotte): Article L. 641-1 et seq. SSC;

f) Basic scheme for lawyers (including Mayotte): Article L. 635-1 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 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 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) Scheme applicable in Guadeloupe, French Guiana, Martinique and Réunion and in the collectivities of Saint-Barthélemy and Saint Martin (Article L. 751-1 SSC);

j) Supplementary retirement benefit schemes:

- Compulsory supplementary retirement benefit schemes (Article L. 921-1 SSC) for employees provided by AGIRC-ARRCO (national cross-industry agreement of 17 November 2017 establishing the AGIRC-ARRCO supplementary retirement benefit scheme), IRCANTEC (Decree No 70-1277 of 23 December 1970 as amended) and the Caisse de Retraite des Personnels Navigants (navigation personnel retirement benefit scheme (CRPN)): Article L. 6527-1 et seq. of the Transport Code;

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

- Compulsory supplementary retirement benefit scheme for self-employed workers covered by the social security arrangements for self-employed workers (Article L. 635-1 et seq. SSC);

- Compulsory supplementary retirement benefit scheme for the liberal professions (including Mayotte): Article L. 644-1 et seq. SSC;

- Compulsory supplementary retirement benefit scheme for lawyers (including Mayotte): Article L. 654-1 et seq. SSC;

- Additional retirement benefit 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 creative artists/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 for self-employed workers: Article L. 634-6 et seq. SSC;

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

f) Basic scheme for lawyers: Article R. 653-12 SSC;

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

Compulsory supplementary retirement benefit schemes (Article L. 921-1 SSC) for employees provided by AGIRC-ARRCO (national cross-industry agreement of 17 November 2017 establishing the AGIRC-ARRCO supplementary retirement benefit scheme), IRCANTEC (Decree No 70-1277 of 23 December 1970 as amended) and the Caisse de Retraite des Personnels Navigants (navigation personnel retirement benefit scheme (CRPN)): Article L. 6527-1 et seq. of the Transport Code;

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

Compulsory supplementary retirement benefit scheme for self-employed workers covered by the social security arrangements for self-employed workers (Article L. 635-1 et seq. SSC);

e) Compulsory supplementary retirement benefit scheme for the liberal professions (including Mayotte): Article L. 644-1 et seq. SSC;

f) Compulsory supplementary retirement benefit scheme for lawyers (including Mayotte): Article L. 654-1 et seq. SSC;

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

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

n) 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) Schemes 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 November 1946 as amended;

- SNCF: Decree of 06 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;

- Banque de France: Decree No 2007-262 of 27 February 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, French Guiana, 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 creative artists/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) Schemes for the liberal professions (including Mayotte);

f) Scheme for lawyers: none;

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

- 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 06 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;

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

h) Schemes applicable in Guadeloupe, French Guiana, 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) Unemployment insurance benefit defined in Article L. 5422-1 et seq. of the Labour Code:

These provisions are implemented by Decree No 2019-797 of 26 July 2019 on the unemployment insurance scheme, as amended, for the following groups:

Annex A:

- general scheme (all jobseekers, excluding specific schemes set out below);
- Annex 1: sales representatives, journalists, civil aviation aircrew, child minders and foster parents, contract lumberjacks, agents paid on commission;
- Annex 2: employed seafarers and deep-sea fishers;
- Annex 3: dock workers;
- Annex 5: home workers;
- Annex 6: beneficiaries of a career transition project;
- Annex 8: workers and technicians in sound recording, cinematographic and audiovisual production, radio, broadcasting, entertainment and technical services in the creative and events industries;
- Annex 9: employees employed outside France and optional unemployment insurance schemes;
- Annex 10: performing artists;
- Annex 11: employees on apprenticeship or ‘professionalisation’ contracts;

Annex B: unemployment insurance regulation applicable to Mayotte.

- b) Benefit for self-employed workers defined in Article L. 5424-24 et seq. of the Labour Code. Inserted by Law No 2018-771 of 5 September 2018 on the freedom to choose one’s professional future - Article 51. In force since 1 November 2019; Articles R. 5424-70 to R. 5424-73 of the Labour Code and Articles D. 5424-74 to D. 5424-76 of the Labour Code;
- c) Insurance benefit applicable to certain public-sector employees provided for in Article L. 5424-1 et seq. of the Labour Code;
- d) Specific solidarity benefit provided for in Article L. 5423-1 et seq. of the Labour Code.

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 acquired rights (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 their social environment pursuant to point (a)(ii) of Article 70(2) 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 Kingdom of Belgium and the Government of the French Republic 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 French Republic 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 on developing 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 contributory benefit (old-age pension) referred to in Article L. 351-10 of the Social Security Code.

Invalidity 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 any scope for self-employed categories of person to be covered by the unemployment benefits system.