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**ADMINISTRATIVE ARRANGEMENT  
FOR THE IMPLEMENTATION  
OF THE AGREEMENT  
ON SOCIAL SECURITY  
BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF INDIA  
AND  
THE GOVERNMENT OF THE FRENCH REPUBLIC**

In pursuance of paragraph 1 of Article 16 of the Agreement on Social Security signed by the Governments of the Republic of India and the French Republic on 30 September 2008, the competent authorities of the Contracting States have agreed as follows:

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## TITLE I – GENERAL PROVISIONS

### Article 1

#### *Definitions*

For the purpose of applying this Administrative Arrangement, the term “Agreement” means the Agreement on Social Security signed by the Governments of the French Republic and the Republic of India on 30 September 2008. The terms and expressions defined in Article 1 of the Agreement shall have the same meaning in this Arrangement as is assigned to them in that Article.

### Article 2

#### *Liaison agencies*

Pursuant to Article 1(1)(e) of the Agreement, the following are designated as liaison agencies:

- a) as regards France,  
the Centre of European and International Liaisons for Social Security (CLEISS);
- b) as regards India,  
the Employees’ Provident Fund Organisation (EPFO).

### Article 3

#### *Forms*

The forms required for the implementation of the procedures provided for in the Agreement and this Administrative Arrangement shall be mutually agreed between the French and Indian competent authorities, which will be the subject of a supplementary Administrative Arrangement.

## TITLE II – PROVISIONS CONCERNING THE APPLICABLE LEGISLATION

### Article 4

#### *Detached workers*

1. Where the legislation on old-age insurance of one Contracting State shall remain applicable pursuant to Article 8(1) or Article 8(2) of the Agreement, the agency of that Contracting State as designated in paragraph 2 of this Article shall, at the request of the

employer, issue a certificate (hereinafter referred to as "certificate") certifying that the employee remains subject to the legislation of that State.

2. This certificate shall be issued:

a) as regards France, by:

- the Agricultural Social Insurance Mutual Benefit Fund (CMSA) of employees covered by a scheme for agricultural workers;
- the National Agency for Disabled Mariners (ENIM) responsible for managing the mariners' scheme, or the Maritime Affairs services mariners come under, acting on behalf of ENIM;
- the Local Sickness Insurance Fund (CPAM) at corporate headquarters, for employees; covered by the General Scheme;
- The Local Sickness Insurance Fund responsible for managing a Special Scheme.

b) as regards India, by:

- the Employees' Provident Fund Organisation (EPFO).

3. Eligibility for the certificate issued under paragraph 1 shall be determined with reference to the legislation of the Contracting State that issues such certificate.

4. The certificate shall indicate the period of time during which the legislation of the Contracting State concerned shall remain applicable.

5. The certificate shall be kept by the employee during the entire period of detachment. It shall certify that the employee is not subject to the social security legislation on old-age scheme of the Contracting State in whose territory the employee's occupational activity is exercised.

6. A copy of the certificate shall be sent to the liaison agency of the host country. Insofar as possible, the copy shall be transmitted electronically.

7. In the event that the competent agency of a Contracting State is of the view that the certificate issued contravenes Article 8(1) and (2) of the Agreement and their implementing provisions, that agency shall, through the liaison agency, refer the matter to the competent agency that issued the certificate and transmit to that agency all the information collected. The agency that issued the certificate will then check the information transmitted and decide, within one month, whether to maintain or withdraw the certificate.

8. Where following Article 10 of the Agreement, an exception through mutual agreement is required, an application will be submitted to:

- CLEISS as regards France;
- EPFO as regards India.

## Article 5

### *Affiliation under the legislation applicable in the territory of the Contracting States*

1. The competent agencies of both Contracting States shall provide information required by the employees, employers and self-employed persons who belong to the other Contracting State and are subject to the legislation of the first Contracting State.
2. Where a person is subject to the social security legislation of a Contracting State for some or all risks pursuant to Articles 7, 8 and 10 of the Agreement, that person should contact :
  - a) as regards France, as appropriate :
    - the local Sickness Insurance Fund (CPAM) of the company in which that person follows his/her occupation;
    - the Agricultural Social insurance Mutual benefit Fund (CMSA) of the Agricultural undertaking in which that person follows his/her occupation;
    - the National Insurance Fund for self-employed workers (RSI) of that person if he/she is self-employed;
  - b) as regards India:
    - the Employees' Provident Fund Organisation (EPFO).

## TITLE III - PROVISIONS CONCERNING BENEFITS

### Article 6

#### *Submitting and processing claims*

1. Claims for benefits shall be submitted to the competent agency of either of the two Contracting States in accordance with the procedure provided for by the legislation of the State concerned. The date on which the claim is submitted to the competent agency shall be deemed to be the date of submission to the competent agency of one Contracting State.
2. The competent agency that receives a claim for benefit shall promptly transmit the claim, directly or through the liaison agency, to the competent agency of the other Contracting State, indicating the date on which the claim was submitted.
3. The competent agency to which the claim was submitted shall transmit the claim with all the available documentary evidence that could be required by the agency of the other State to determine the eligibility of the claimant for the benefit claimed. For all claims for benefits requiring the application of Article 12 of the Agreement, such documentary evidence shall include, *inter alia*, a list of the insurance periods completed by the claimant under the legislation implemented by the agency transmitting the claim and a document indicating the periods of employment under the

legislation implemented by the receiving agency as well as, for all these periods, the nature and place of work and, if necessary, identification of the employer.

4. The information contained in liaison forms is deemed to be certified. The competent agency of the other State shall, however, be required to transmit the official documents certifying that the information provided is authentic, at the request of the competent agency of the first Contracting State.

5. Even in the event that no insurance period was completed by the claimant under the legislation of the State in whose territory he/she resides, the claim for benefit may be submitted to the competent agency of that State.

#### Article 7

##### *Totalization of insurance periods – Conversion of periods expressed in different units*

1. Where the totalization of the insurance periods completed under the legislation of the two Contracting States is required to determine eligibility for benefits, the rules to be applied shall be as follows:

a) where a compulsory insurance period completed under the legislation of one Contracting State overlaps with a voluntary insurance period completed under the legislation of the other Contracting State, only the compulsory insurance period shall be taken into account;

b) where two voluntary insurance periods completed under the legislation of both Contracting States overlap, each State shall take into account the voluntary insurance period completed under its own legislation;

c) where it is not possible to determine accurately the period of time in which certain insurance periods were completed under the legislation of one Contracting State, such insurance periods shall be treated as if they did not overlap with insurance periods completed under the legislation of the other Contracting State.

2. The conversion of each insurance period during a calendar year shall be carried out in accordance with the following rules:

a) for the conversion of insurance periods validated by the competent Indian Agency:

- one year is equivalent to four quarters;
- three months are equivalent to one quarter;
- one month is equivalent to twenty-six days or 208 hours;

The number of insurance quarters cannot exceed four quarters per year.

b) for the conversion of insurance periods validated by the competent French Agency:

- four quarters are equivalent to one year;
- one quarter is equivalent to three months.

## Article 8

### *Medical examinations*

1. The competent agency of one Contracting State shall provide on request to the competent agency of the other Contracting State a medical report drawn up on the basis of a form decided under Article 3 and any other documents in its possession that will make it possible to assess the disability of the claimant or the beneficiary.
2. Where the competent agency of one Contracting State requires that the claimant or the beneficiary residing in the territory of the other Contracting State undergo further medical examinations, those examinations shall have to be carried out in accordance with the provisions under the legislation of the second Contracting State.
3. The medical examination reports and the documents mentioned in paragraphs 1 and 2 of this Article shall be transmitted directly between the competent Agencies or through the liaison agency.
4. The cost of the medical examinations and the medical reports shall be met in accordance with the provisions of Article 17 of the Agreement and reimbursed immediately upon receipt of a detailed summary of the expenses incurred. The reimbursements shall be made through the liaison agencies.

## Article 9

### *Notification of decisions*

1. Decisions shall be notified directly to the claimant by the competent Agency. Each decision must specify the means of and deadlines for appeal as provided for under the corresponding legislation.
2. The competent agencies of the two Contracting States shall notify each other of their decisions, directly or through the liaison agency, indicating:
  - the date of notification of the decision to the claimant;
  - if benefits are awarded, the nature of the benefit awarded and the date on which it shall take effect;
  - if benefits are refused, the nature of the benefit refused and the grounds for refusal.

## Article 10

### *Payment of benefits*

Payments of pensions by the competent agency of either of the two Contracting States shall be made directly to the beneficiary at his/her cost according to the arrangements provided for under the legislation of that State.

## TITLE IV - COOPERATION AND MUTUAL ADMINISTRATIVE ASSISTANCE

### Article 11

#### *Implementation of mutual administrative assistance*

1. Where a claim or a request is submitted to the competent agency of one Contracting State by the competent agency of the other Contracting State pursuant to Article 17 of the Agreement, the former competent agency shall process the claim/request or, if necessary, to indicate on what grounds it is unable to do so within the shortest time limit.
2. In the event of an urgency duly justified by the agency submitting a claim or a request, the agency receiving it shall endeavour to process the claim or the request within 15 days at the latest from the date on which it was received. That period shall be calculated in successive days. Should it expire on a non-working day, its expiry shall be postponed to the following working day.

### Article 12

#### *Administrative controls*

The competent agency of the Contracting State in whose territory the claimant or beneficiary under the legislation of the other State resides, shall at the request of the competent agency of the other State carry out an administrative control aimed at establishing any circumstance liable to affect the award, maintenance, suspension or suppression of the said benefit. This control shall be carried out free of charge, either through the liaison agencies or directly by the corresponding agency of the Contracting State in whose territory the claimant or the beneficiary resides and in accordance with its legislation.

### Article 13

#### *Conditions for affiliation and eligibility based on residence*

The competent agency of a Contracting State with a view to examine the conditions under which a person is entitled, due to residence in the territory of that Contracting State, either to affiliation to a social security scheme or to a benefit, may seek clarification from the competent agency of the other Contracting State in order to ascertain his/her residence.

#### **Article 14**

##### *Overlapping of benefits*

Any agency in charge of determining a person's eligibility for benefit or of paying benefit may seek clarification from the competent agency of the other Contracting State in order to ascertain that the person concerned does not receive, under the legislation of that Contracting State, benefit whose overlapping with the initial benefit is prohibited, limited or subject to compliance with special conditions.

#### **Article 15**

##### *Exchange of statistical data*

1. The liaison agencies of both Contracting States shall transmit to each other on an annual basis the statistical data in their possession concerning the application of the Agreement pertaining to the detachment of workers to the territory of the other Contracting State and the benefits paid under the Agreement.
2. Transmission of such data shall be carried out electronically.

#### **Article 16**

##### *Dematerialization of information exchange*

Without prejudice to Article 19 of the Agreement, the liaison agencies and competent agencies of either of the two Contracting States shall endeavour to introduce procedures for dematerialized information exchange.

### **TITLE V - FINAL PROVISIONS**

#### **Article 17**

##### *Amendment*

This Administrative Arrangement may be amended, modified or altered, either in whole or in part, by mutual consent of the Competent Authorities.



Article 18

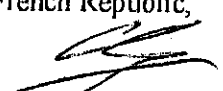
*Entry into force*


This Administrative Arrangement shall enter into force on the same date as the Agreement and shall have the same period of validity.

Done at \_\_\_\_\_, on \_\_\_\_\_, in two originals, each in the French, English and Hindi languages, all texts being equally authentic.

For the competent authorities of  
the French Republic,

For the competent authorities of  
the Republic of India,

  
For the Ministries in charge of social security  
By delegation of authorities,  
Christiane LABALME,  
Head of the European and  
International Affairs Division  
Security social Department

  
Gurucharan GOLLERKERI  
Joint Secretary (Financial Services)  
Ministry of Overseas Indian Affairs

30-6-10

For the Ministry of Agriculture, Fishing and Food  
By delegation of authorities,  
Louis RANVIER,  
Project Leader  
Office of liability for social contributions  
Work and social protection Division  
Financial, Social and logistic Department