

No. 16688

**FRANCE
and
ROMANIA**

Convention on social security. Signed at Paris on 16 December 1976

Authentic texts: French and Romanian.

Registered by France on 11 May 1978.

**FRANCE
et
ROUMANIE**

Convention sur la sécurité sociale. Signée à Paris le 16 décembre 1976

Textes authentiques : français et roumain.

Enregistrée par la France le 11 mai 1978.

[TRANSLATION — TRADUCTION]

CONVENTION¹ ON SOCIAL SECURITY BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA

The Government of the French Republic,

The Government of the Socialist Republic of Romania,

Wishing to strengthen their co-operation with the strictest respect for the national sovereignty and independence of each State,

Wishing to develop relations in social security matters between the two States,

Affirming the principle of equality of treatment of the nationals of the two contracting countries with respect to the social security legislation of each Party,

Have agreed as follows:

TITLE I. GENERAL PROVISIONS

Article 1. French or Romanian nationals engaged in Romania or in France in employment or in an activity treated as such, and their dependants residing with them, shall be subject to the social security laws of the State in whose territory they engage in such activity, as enumerated in article 3 below, under the same conditions as nationals of that State and subject to the reservations and special procedures agreed upon.

Article 2. The territories to which the provisions of this Convention shall apply are:

—in relation to France: the departments of the French Republic;

—in relation to Romania: the territory of the Socialist Republic of Romania.

Article 3. 1. This Convention shall apply to the following social security legislation:

A. *In Romania*

(a) the legislation on social insurance (old age, disability, sickness, industrial accidents and occupational diseases and death);

(b) the medical assistance legislation;

(c) the legislation on family allowances;

B. *In France*

(a) the legislation relating to the organization of social security, with the exception of the provisions governing the participation of aliens in the elections connected with the operation of the social security schemes;

¹ Came into force on 1 February 1978, i.e., the first day of the second month which followed the date of the last of the notifications by which the Contracting Parties informed each other of the completion of the required constitutional procedures, in accordance with article 32.

- (b) the legislation establishing the social insurance scheme applicable to persons employed in non-agricultural occupations and the social insurance legislation applicable to persons employed in agricultural occupations, with the exception of the provisions relating to voluntary insurance for French nationals who are or have been employed outside French territory;
- (c) the legislation relating to the prevention of and compensation for industrial accidents and occupational diseases;
- (d) the legislation relating to family benefits;
- (e) the legislation relating to special social security schemes, in so far as they affect the risks or benefits covered by the legislation referred to in the foregoing paragraphs, with the exception, in the case of civil servants, only of the specific provisions governing them;
- (f) the legislation relating to the scheme for seafarers subject, if appropriate, to the conditions laid down by the General Agreement;
- (g) this Convention shall not apply to the provisions concerning social security for students and non-contributory benefits.

2. This Convention shall also apply to all laws or regulations amending or supplementing the legislation specified in paragraph 1 of this article.

However,

(a) For application of the Convention to laws or regulations covering a new branch of social security an agreement must be concluded to that effect between the two Contracting Parties.

(b) Application of the Convention to laws or regulations extending schemes to new categories of beneficiaries shall be automatic unless the Contracting Party concerned opposes such application and notifies the other Party to that effect within a period of three months from the date of the official publication of the said laws or regulations.

Article 4. Insurance periods and equivalent periods completed, as appropriate, under the Romanian scheme may be taken into consideration for the admission of nationals of the two States residing in France to the voluntary old-age insurance (continuing insurance) provided under French legislation.

Article 5. The members of diplomatic missions and consular posts of the Contracting Parties shall not be included in the scope of this Convention.

However, members of the administrative and technical staff, consular employees and members of the service staff, as well as members of the private staff of the members of diplomatic missions and consular posts, having the nationality of the accrediting or sending State but not that of the host State or state of residence, and who are permanent residents of the host State or state of residence, shall have the option of being subject to the legislation of the accrediting State or sending State or that of the host State or state of residence. This right of option may be exercised only once under the conditions specified in the General Agreement.

Article 6. Notwithstanding the provisions of article 1 of this Convention:

1. The following shall not be subject to the social security system of the country of the place of employment, and shall remain subject to the social security system of the country of origin:

- (a) *ipso facto*, employed persons sent by their employer to the other State for the purpose of carrying out a specific temporary assignment, provided that the duration of the assignment does not exceed three years, including periods of leave;
- (b) subject to prior and mutual agreement between the competent authorities of the two States or the authorities which they have designated for that purpose, employed persons sent by their employer to the other State for the purpose of carrying out a specific temporary assignment the duration of which, whether or not it is originally intended to be so, is extended beyond three years.

2. Employed persons who are in the service of a public or private transport enterprise in one Contracting State and are employed in the other State, whether permanently or temporarily or as travelling personnel, shall be subject to the social security system in force in the State in which the enterprise has its principal place of business.

If, however, the enterprise has a branch or a permanent agency in the territory of the other State, the General Agreement shall specify the conditions under which persons employed by the branch or permanent agency shall be subject to the legislation of the State in which such establishment is situated.

Article 7. The competent authorities of the Contracting Parties may, by agreement, and in particular in the interest of workers of either State, provide for other exceptions to the provisions of article 1.

They may likewise agree that the exceptions provided for in the preceding article shall not apply in particular cases.

TITLE II. SPECIAL PROVISIONS RELATING TO EACH CATEGORY OF BENEFITS

Chapter 1. SICKNESS, MATERNITY AND DEATH

Article 8. Persons who go from one State to the other for the purpose of engaging in employment shall, together with the members of their family who accompany them, be eligible for the sickness and maternity benefits provided for under the legislation of the State of the new place of work if:

- (a) they have begun an insurance period under the legislation of the latter State;
- (b) they satisfy the conditions imposed for entitlement to benefits, account being taken, in so far as necessary, of the insurance periods or equivalent periods previously completed under the legislation of the other State.

Article 9. A French employed person in Romania or a Romanian employed person in France shall be eligible for sickness or maternity benefits while staying temporarily in his State of origin during paid leave or an authorized absence when he needs immediate medical treatment, including hospitalization, provided that the institution with which he is insured has certified that he is entitled to such benefits.

Such certification, which is equivalent to an authorization, shall be valid for a maximum period of three months.

This period may, however, be extended for a further three months by a decision of the insuring institution on the basis of a favourable opinion by its medical supervisors.

Article 10. In cases of exceptionally serious illness, as defined by the General Agreement referred to above, the employed person entitled to sickness or maternity benefits from the competent institution of the country in which he is employed shall retain his entitlement to benefits from that institution when he is authorized to continue his treatment in the territory of the other State.

Such authorization may be refused only if it is established that movement of the person concerned would be prejudicial to his state of health or the receipt of medical treatment.

Article 11. The provisions of articles 9 and 10 shall be applicable to members of the employed person's family accompanying him.

Article 12. The French or Romanian employed persons referred to in article 6, paragraph 1, of this Convention, and the family members accompanying them, shall receive sickness or maternity benefits during the entire period of their stay in the State in which they are employed. The same shall apply to the staff referred to in the second paragraph of article 5, who have opted for application of the legislation of the accrediting State.

Benefits in kind shall be provided, in accordance with the procedures to be defined in the General Agreement, either by the institution at the place where the employed person is staying for account of the insuring institution, or directly by the latter.

Article 13. In the cases referred to in articles 9, 10, 11 and 12, benefits in kind (treatment) shall be provided by the institution in the State in which the employed person is staying in accordance with the legislation applicable in that State.

Expenditures incurred may not result in obligations greater than those deriving from the application of the legislation of the State concerned to its own nationals.

The General Agreement shall specify the procedures for the reimbursement of benefits in kind and expenses arising from any medical supervision undertaken by the institution of the country in which the employed person is staying or has taken up residence on behalf of the institution with which that person is insured.

Article 14. In cases in which it is agreed that reimbursement will be made on the basis of supporting documents, the provision of prostheses, large appliances and other major benefits in kind, a list of which shall be annexed to the General Agreement, shall be subject, except in cases of absolute necessity, to authorization by the institution with which the person concerned is insured.

Article 15. In the cases referred to in articles 9 and 10, death occurring in the territory of the State in which the person concerned is staying shall be deemed to have occurred in the territory of the other State.

Chapter 2. INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 16. A French or Romanian employed person who sustains an industrial accident or contracts an occupational disease in the territory of either Contracting Party, and who acquires the right to the benefits payable during the period of temporary incapacity, shall retain his entitlement to such benefits from the competent institution if he applies for continued treatment in the territory of the other State provided that, prior to his departure, he obtains the authorization of the Romanian or French institution with which he is insured.

Such authorization may be refused only if it is established that movement of the person concerned would be prejudicial to his state of health or the receipt of medical treatment.

Article 17. A worker of the kind referred to in article 6, paragraph 1, of this Convention, who sustains an industrial accident or contracts an occupational disease in the territory of the State in which he is employed, shall be entitled to the benefits due during the period of temporary incapacity.

He shall be entitled to first aid in accordance with the legislation of the State in whose territory he is employed.

Continued benefits shall be provided in accordance with the procedures to be specified in the Agreement, either by the institution in the place where the person concerned is staying for account by the institution with which he is insured or directly by the latter.

Article 18. The provisions of articles 13 and 14 above shall be applicable to benefits in kind provided during the period of temporary incapacity under the legislation on industrial accidents and occupational diseases.

Article 19. For the purpose of assessing the degree of permanent incapacity resulting from an industrial accident or occupational disease from the standpoint of the legislation of one State, industrial accidents sustained and occupational diseases contracted previously under the legislation of the other State shall be taken into account for the purpose of conferring entitlement as though they had been sustained or contracted under the legislation of the first State.

Chapter 3. DISABILITY

Article 20. In the case of employed persons who move from one country to another, insurance periods or equivalent periods completed under the social security system of the first State shall, as necessary and provided that they do not overlap, be aggregated with insurance periods or equivalent periods completed under the system of the other State but only for purpose of conferring entitlement to benefits from the latter State.

Chapter 4. OLD AGE

Article 21. 1. Insurance periods completed under the legislation of each of the two Contracting Parties, together with periods recognized as equivalent to insurance periods, shall, as necessary and provided that they do not overlap, be aggregated solely for the purpose of assessment of the conditions for entitlement to benefits.

2. Periods recognized as equivalent to insurance periods shall, in each State, be those which are recognized as such under the legislation of that State.

If a period recognized as equivalent to an insurance period under the legislation of one State coincides with an insurance period completed in the other, only the insurance period shall be taken into consideration by the institution of the latter State.

If any single period is recognized as equivalent to an insurance period under both French and Romanian legislation, that period shall be taken into consideration by the institution of the country in which the person was last compulsorily insured before the period in question.

3. If the legislation of one State makes the award of certain old-age benefits subject to the requirement that the insurance periods should have been completed in an occupation which is subject to a special insurance scheme or, as appropriate, in a particular occupation or employment, the periods completed under the legislation of the other State shall be taken into account for entitlement to such benefits only if they have been completed under a corresponding scheme or, failing that, in the same occupation or, as appropriate, in the same employment.

If, notwithstanding the aggregation of such periods, the person concerned does not qualify for those benefits, the periods in question shall then be aggregated for the purpose of qualification for benefits under the general system, regardless of their specific nature.

Chapter 5. FAMILY BENEFITS

Article 22. Children of the workers referred to in article 6, paragraph 1, of this Convention who accompany them to the other State shall be entitled to the family benefits provided for in the legislation to which such workers are subject, as enumerated in the General Agreement.

TITLE III. MISCELLANEOUS PROVISIONS

Article 23. A General Agreement, drawn up by the competent authorities of the two States shall, as necessary, determine the conditions for the application of this Convention, in particular those concerning the articles which expressly refer to the said Agreement.

That Agreement shall designate the liaison agencies of the two States.

Furthermore, models of the standard forms required for the implementation of the procedures and formalities jointly agreed upon shall be prepared.

Article 24. In each contracting country the Ministers responsible, each within the limits of his competence, for the application of the legislation enumerated in article 3 shall be deemed to be the competent authorities for the purposes of this Convention.

Article 25. The competent authorities of the two States shall:—in addition to drawing up the General Agreement referred to in article 23, make any arrangements supplementing or amending that Agreement, in

particular with a view to defining procedures both for medical and administrative supervision and for expert services required for the application of this Convention;

- communicate to each other directly full information regarding any measures taken in their respective countries for the application of this Convention and arrangements made for its application;
- report to each other any difficulties which may arise, at the technical level, from the implementation of the provisions of this Convention or arrangements made for its application;
- communicate to each other directly all information regarding amendments to the legislation and regulations referred to in article 3 in so far as such amendments might affect the application of this Convention or arrangements made for its application.

Article 26. The competent authorities and social security institutions of the two Contracting Parties shall assist one another in the application both of this Convention and of the social security legislation of the other State.

Article 27. Any exemption from registration fees, court fees, stamp duties and consular fees provided for by the legislation of one Contracting Party in respect of documents required to be produced to the social security authorities or institutions of that Party shall be extended to similar documents required to be produced for the purposes of this Convention to the social security authorities or institutions of the other Party.

Legalization shall be waived in respect of all certificates, documents and papers required to be produced for the purposes of this Convention.

Article 28. Communications which, for the purposes of this Convention, are sent by beneficiaries under the Convention or by authorities, institutions or courts of one State to authorities, institutions or courts of the other State shall be drawn up in the official language of either State.

Article 29. Neither Party shall in any way obstruct financial transfers resulting from the application both of this Convention and of the social security legislation of the other Party, particularly in respect of voluntary insurance and supplementary retirement schemes.

The competent authorities of the two States may, by agreement, make the liaison agencies responsible for centralizing some of the operations provided for in this Convention, with a view to their transfer from one State to the other.

Article 30. The transfers referred to in article 29 shall be made in convertible currency at the official exchange rate in effect at the time of the transfer.

Article 31. Any difficulties relating to the application of this Convention shall be resolved by agreement between the authorities referred to in article 24.

Where it is impossible to reach a solution by this means, a solution shall be sought through the diplomatic channel.

Article 32. Each Contracting Party shall notify the other of the completion of the constitutional procedures required by it for the entry into force of this Convention. The Convention shall enter into force on the first day of the second month following the date of the latter of such notifications.

Article 33. Any insurance period completed under the legislation of one State before the entry into force of this Convention shall be taken into consideration, but only for the purpose of conferring entitlement to the benefits referred to in the provisions of this Convention in accordance with its provisions.

Article 34. In the case of workers whose secondment occurs on the date of entry into force of the Convention, such date shall constitute the starting point of the period provided for in article 6, paragraph 1, of the Convention.

Article 35. This Convention shall remain in force for an indefinite period. Either Contracting Party may denounce it subject to six months' notice given through the diplomatic channel.

In the event of denunciation, the provisions of this Convention shall remain applicable to acquired rights.

DONE at Paris on 16 December 1976, in two original copies in the French and Romanian languages, both texts being equally authentic.

For the Government of the French Republic:

[Signed]

RAYMOND BARRE

For the Government of the Socialist Republic
of Romania:

[Signed]

MANÉA MANESCU
