

No. 9936

**FRANCE
and
MOROCCO**

**General Convention on Social Security (with annexed
protocols). Signed at Rabat on 9 July 1965**

Authentic text : French.

Registered by France on 8 October 1969.

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et
MAROC**

**Convention générale de sécurité sociale (avec protocoles
annexés). Signée à Rabat le 9 juillet 1965**

Texte authentique : français.

Enregistré par la France le 8 octobre 1969.

[TRANSLATION — TRADUCTION]

GENERAL CONVENTION¹ ON SOCIAL SECURITY BETWEEN FRANCE AND MOROCCO

The Government of the French Republic and the Government of the Kingdom of Morocco,

Being resolved to co-operate in the social field,

Affirming the principles :

- That the nationals of one State should receive under the social security legislation of the other equal treatment with the nationals of the latter, through the necessary exceptions to the rules regarding territoriality,
- That their nationals should retain the rights they have acquired under the legislation of one of the States,
- That insurance periods or periods recognized as equivalent completed by their nationals under the legislation of each State should be aggregated,

Have decided to conclude a convention to co-ordinate the application to nationals of the two countries of the Moroccan and French legislation relating to family allowances and old age, death (survivors), sickness, maternity, invalidity and industrial accident and occupational disease insurance.

To that end, they have agreed on the following provisions :

TITLE I

GENERAL PRINCIPLES

Article 1

1. French or Moroccan employed persons or persons treated as such under the legislation specified in article 2 of this Convention shall be subject to the said legislation applicable, respectively, in France or Morocco and they and their dependants shall, subject to the reservations set out in article 2, paragraph 2, enjoy the benefits thereof under the same conditions as the nationals of each of those countries.

¹ The Convention and three annexed Protocols came into force on 1 January 1967, i.e., the first day of the second month following the date of the last of the notifications by the Government of each of the Contracting Parties to the effect that the required constitutional procedures had been fulfilled, in accordance with article 49 of the Convention and the relevant provisions of the Protocols.

2. Moroccan or French nationals other than those referred to in paragraph 1 above who were at one time covered by any of the legislation of either country referred to in article 2 may be admitted to a voluntary insurance scheme under the same conditions as the nationals of their country of residence, taking into account, as appropriate, insurance periods or periods recognized as equivalent completed in Morocco or France.

Article 2

1. The provisions of this Convention shall apply :

A. In relation to Morocco, to :

- (a) The legislation relating to the social security scheme;
- (b) The legislation relating to industrial accidents and occupational diseases,
- (c) The legislation, regulations or statutes, approved by the public authority, relating to special social security schemes, in so far as they cover employed persons or persons treated as such and deal with risks and benefits covered by the legislation relating to the social security schemes.

B. In relation to France (metropolitan France and overseas departments), to :

- (a) The legislation establishing the organization of social security,
- (b) The legislation establishing the social insurance scheme applicable to persons employed in non-agricultural occupations,
- (c) The social insurance legislation applicable to persons employed and persons treated as employed in agricultural occupations,
- (d) The legislation relating to the prevention of, and compensation for, industrial accidents and occupational diseases,
- (e) The legislation relating to family allowances, with the exception of the maternity allowance,
- (f) The legislation relating to special social security schemes, in so far as they deal with the risks and benefits covered by the legislation specified in the foregoing paragraphs, and, in particular, the social security scheme for the mining industry.

2. This Convention shall also apply to all laws or regulations by which the legislation specified in paragraph 1 of this article has been or may be amended or supplemented.

Provided that this Convention shall not apply :

- (a) To laws or regulations covering a new branch of social security, unless the Contracting Countries have concluded an arrangement to that effect,

- (b) To laws or regulations extending existing schemes to new categories of beneficiaries, unless the country amending its legislation raises no objection and notifies the Government of the other country to that effect within a period of three months from the date of the official publication of the said laws or regulations.

3. This Convention shall not apply to seafarers, who shall be the subject of a special agreement.

4. The application of the provisions relating to social security for students in the two countries shall be the subject of a protocol to be annexed to this Convention.

Article 3

1. All employed persons or persons treated as such under the laws applicable in each of the Contracting Parties who are employed in the territory of one of the Parties shall be subject to the legislation in force at their place of employment.

2. The principle laid down in paragraph 1 of this article shall apply subject to the following exceptions :

(a) An employed person or a person treated as such who is employed by an enterprise having an establishment in the territory of one of the States in which he is regularly employed and who is sent by that enterprise to the territory of the other State for the purpose of carrying out an assignment for the enterprise shall remain subject to the legislation of the first State on the same basis as if he were still employed in its territory, provided that he has not been sent to replace another employed person whose tour of duty has expired and that the estimated duration of his assignment does not exceed twelve months. The competent institution shall determine the duration of the assignment within this limit.

Where the said assignment is prolonged for unforeseen reasons beyond the period originally intended and exceeds twelve months, the legislation of the first State shall continue to apply until the assignment has been completed, provided that the competent authority of the other State has given its consent before the end of the twelve-month period.

(b) Travelling personnel in the service of transport enterprises operating between France and Morocco or vice versa shall be subject only to the scheme in force in the territory in which the enterprise has its principal place of business.

3. The competent administrative authorities of the Contracting States may by agreement provide for exceptions to the rules set out in paragraph 1 of this article. They may also agree that the exceptions provided for in paragraph 2 shall not apply in particular cases.

Article 4

1. The provisions of article 3, paragraph 1, shall apply to all employed persons or persons treated as such, regardless of nationality, who are employed in Moroccan or French diplomatic or consular missions or are in the personal employ of officers of such missions.

Provided that

(a) Career diplomatic and consular officers and officers on the staff of chancelleries shall be excepted from the application of this article,

(b) Employed persons or persons treated as such who are nationals of the country represented by the diplomatic or consular mission and who are not permanently established in the country in which they are employed may choose between the application of the legislation of the country of their place of employment and that of the legislation of their country of origin.

2. Persons employed in the service of a government department of one of the Contracting Parties who are subject to the legislation of that Party and are sent to the territory of the other Party shall continue to be subject to the legislation of the sending State.

3. Persons placed at the disposal of one State by the other for technical co-operation purposes shall be subject to the social security legislation of the latter State, subject to any provisions relating to social security which may eventually be included in technical co-operation agreements.

TITLE II

SPECIAL PROVISIONS

Chapter I

FAMILY ALLOWANCES

Article 5

Periods of employment, periods of professional activity or periods treated as such completed in Morocco and France shall be taken into account, as appropriate, in determining the entitlement of French and Moroccan employed persons to family allowances for their children resident in the territory of the country of employment.