

No. 9934

**FRANCE
and
MOROCCO**

**Exchange of letters constituting an agreement concerning
a pension scheme for French civil servants (with
related Procès-Verbal No. 2). Paris, 23 July 1963**

Authentic text: French.

Registered by France on 8 October 1969.

**FRANCE
et
MAROC**

**Échange de lettres constituant un accord relatif au régime des
retraites des fonctionnaires et agents français (avec
procès-verbal n° 2 y relatif). Paris, 23 juillet 1963**

Texte authentique: français.

Enregistré par la France le 8 octobre 1969.

[TRANSLATION — TRADUCTION]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN FRANCE AND MOROCCO CONCERNING A PENSION SCHEME FOR FRENCH CIVIL SERVANTS

I

THE CHAIRMAN OF THE MOROCCAN DELEGATION

Paris, 23 July 1963

Sir,

As from 1 January 1963, the French civil servants referred to in articles 20 and 22 of the Convention concerning Administrative and Technical Co-operation concluded on 6 February 1957² between France and Morocco no longer contribute to the Moroccan Pension Fund.

The Government of the Kingdom of Morocco undertakes to reimburse individually to the persons concerned the sums collected on this account since 1 January 1963.

As from 1 January 1963, the above-mentioned civil servants are affiliated to either the general pension scheme of the French State, the National Pension Fund for Employees of Local Authorities (CNRACL) or the Special Pension Fund for State Workers.

The French Government undertakes to pay the employer's contribution and any contribution in respect of prior services which may be validated for the establishment of pension rights of permanent civil servants of the French State seconded to the Moroccan State, calculated on the basis of the salary corresponding to the rank held by such persons in the French civil service.

CNRACL and the Special Pension Fund for State Workers, as the case may be, undertake to pay the employer's contributions and any contributions in respect of prior services which may be validated for civil servants affiliated to CNRACL or the Special Fund who are placed at the disposal of the Ministry of Foreign Affairs for secondment to the Government of the Kingdom of Morocco.

The Moroccan Pension Fund is thus relieved of all present and future obligations in respect of the above-mentioned former contributors.

¹ Came into force on 23 July 1963, by the exchange of the said notes.

² See p. 3 of this volume.

Between now and 31 December 1963 the two Governments will hold consultations with a view to settling any problems relating to the pensions or annuities of personnel of French nationality serving in Morocco as referred to in articles 23 and 26, first paragraph, of the Convention concerning Administrative and Technical Co-operation concluded between France and Morocco on 6 February 1957.

In any case, the Moroccan Pension Fund and the various funds affiliated to it will be relieved of any present or future obligations in respect of the personnel referred to in articles 23 and 26, first paragraph, of the Convention concerning Administrative and Technical Co-operation concluded between France and Morocco on 6 February 1957 even if the settlement envisaged in the foregoing paragraph has not been reached by 31 December 1963.

I have the honour to request you to acknowledge receipt of this letter.

Accept, Sir, etc.

Mohamed CHERKAoui
Ambassador of Morocco

Mr. Raymond Poussard
Chairman of the French Delegation

II

THE CHAIRMAN OF THE FRENCH DELEGATION

Paris, 23 July 1963

Sir,

In your letter of 23 July 1963 you have informed me as follows :

[*See letter I*]

I have the honour to inform you that these proposals are acceptable to the Government of the French Republic.

Accept, Sir, etc.

Raymond POUSSARD

His Excellency Mohamed Cherkaoui
Ambassador of Morocco

PROCÈS-VERBAL No. 2

CONCERNING THE MOROCCAN JOINT PENSION FUND

On 7 July 1962, at the conclusion of the talks held in Paris between a delegation of the Government of the French Republic and a delegation of the Government of the Kingdom of Morocco, it was agreed that an equitable solution to the problem arising from the affiliation to pension funds in their country of origin of the French participants in the Moroccan Joint Pension Fund (CIMR) would be reached on the basis of negotiations.

In this spirit, the two Governments instructed their experts to seek a formula which would allow for such affiliation while safeguarding the future and the possibilities for growth of CIMR.

On the basis of the work of these experts, the Government of the French Republic and the Government of the Kingdom of Morocco have agreed as follows :

I. The Government of the Kingdom of Morocco shall not be opposed to allowing French nationals (either active or retired) who are participants in CIMR on the date of signature of this Agreement, and personnel of the same nationality who may in future be recruited by authorities affiliated to this Fund, the option of becoming affiliated to pension institutions in their country of origin.

All such persons shall be informed of this option by the authority by which they are employed or, in the case of non-contributing active persons or of retired persons, the authority by which they were employed last.

They may signify their choice of this alternative by submitting individual requests in writing to the affiliated authority, which shall refer such requests to CIMR.

In all the authorities, this option must be exercised within twelve months from the date of signature of this Agreement.

However, such affiliation, which must cover all the French participants (both active and retired) in a given authority, shall not be possible unless the majority of the participants choose it.

Should the participants in a given authority elect to remain in CIMR, new employees of that authority shall not have the benefit of the option provided for above.

II. It is understood that the French institutions shall assume responsibility, as from the effective date of affiliation, for the various entitlements of all the participants—active, retired, or dependant—who have become affiliated to them. Such institutions shall therefore pay the entire amount of current and future pensions payable to the said participants.

To match this commitment, CIMR is authorized by the Government of the Kingdom of Morocco to place at the disposal of the French institutions, by 1 September 1963 at the latest, a net lump sum in francs fixed at the equivalent of 25 million dirhams, all costs of banks or financial institutions relating to this transaction being borne by CIMR.

It is understood, however, that this sum shall be reduced in proportion to the entitlements of those French participants who remain affiliated to CIMR.

CIMR is authorized to conclude with the French institutions and with financial agencies such agreements as may enable it to ensure that the above clause is executed in its best interests.

CIMR shall, as from the date of execution of the said clause, be relieved of all obligations in respect of participants who have become affiliated to the French institutions.

III. Likewise, the Government of the Kingdom of Morocco shall henceforth grant the necessary authorizations, including those required by the Moroccan exchange regulations, for the transfer to France, at a maximum rate of 9 per cent, of the employers' contributions in respect of the participants and personnel mentioned in chapter I above payable to the institutions to which they are affiliated.

The additional amount needed to make up the total of employers' and employees' contributions required by the French institutions in order to secure for the personnel a system of benefits equivalent to that by which they would have been covered under the CIMR regulations currently in force may be transferred by means of deductions from the transferable portion of their salaries.

IV. The Government of the Kingdom of Morocco shall likewise grant the necessary authorizations, including those required by the Moroccan exchange regulations, to make it possible to transfer to the pension institutions in France, independently of any other transfers which the persons concerned may be authorized under those regulations to make, the total amount of any individual capitalization accounts which the French participants in CIMR who become affiliated to the said institutions may maintain with insurance companies.

Such authorizations shall be granted within the periods normally specified by the Foreign Exchange Office. However, such transfers may be limited to a maximum global amount of 5 million *dirhams* per year, reckoned from the date of signature of this Agreement.

V. The effective date of affiliation shall not be prior to 1 January 1963 or subsequent to the expiry of the twelve-month period referred to in chapter I above.

It shall be fixed for each authority by agreement between the authority, CIMR and the institution or institutions to which the persons concerned become affiliated.

The contributions referred to in chapter III above shall be payable to the institutions in question as from the date thus fixed.

VI. The Government of the Kingdom of Morocco shall not oppose any changes that may be made in the regulations of CIMR in accordance with this *procès-verbal*.

DONE in duplicate in Paris on 23 July 1963.

The Chairman
of the Moroccan Delegation :
Mohamed CHERKAOUI
Ambassador of Morocco

The Chairman
of the French Delegation :
Raymond POUSSARD