

No. 10350

**FRANCE
and
ALGERIA**

**Agreement concerning supplementary pension schemes (with
exchange of letters). Signed at Paris on 16 December 1964**

Authentic text: French.

Registered by France on 11 March 1970.

**FRANCE
et
ALGÉRIE**

**Accord relatif aux régimes complémentaires de retraites
(avec échange de lettres). Signé à Paris le 16 décembre
1964**

Texte authentique: français.

Enregistré par la France le 11 mars 1970.

[TRADUCTION — TRANSLATION]

AGREEMENT¹ CONCERNING SUPPLÉMENTARY PENSION SCHEMES

The Government of the French Republic and the Government of the Democratic and Popular Republic of Algeria,

Considering the need to regulate future relations between the two countries in respect of supplementary pension schemes,

Considering further that Decree No. 62-597 issued on 26 May 1962 enacted public administrative regulations and established rules for co-ordination applicable as between Algerian supplementary pension schemes and as between metropolitan and Algerian supplementary pension schemes, which are applicable in France and in Algeria,

Considering that agreements were concluded on that basis between Algerian and French pension institutions,

And that the technical principles underlying such instruments have been affected by the movement of persons which resulted from the exceptional circumstances surrounding the accession of Algeria to independence,

Desiring to regulate the situation of persons to whom the said instruments apply,

Considering also that, in the case of supplementary pension schemes for trained personnel in non-agricultural employment, no problem exists with regard to the application of the Protocol of Agreement concluded on 3 July 1961 between the organizations signatory to the Collective National Agreement on Pensions and Insurance for Trained Personnel of 14 March 1947, on the one hand, and the organizations signatory to the Collective Algerian Agreement on Pensions and Insurance for Trained Personnel of 26 December 1950, on the other,

And that the same situation prevails with regard to engineers and employees of Algerian mines in the context of the Agreement signed on 20 October 1964 between the Caisse autonome de retraite et de prévoyance du personnel des mines d'Algérie (C.A.R.P.P.M.A.) and the Caisse autonome de retraite complémentaire des ingénieurs et employés des mines d'Algérie (C.A.R.C.I.E.M.A.).

Agree as follows :

¹ Came into force on 1 January 1965, in accordance with article 8.

SECTION I

LEGISLATION APPLICABLE

Article 1

The legislation applicable shall be that of the place of employment, without prejudice to any exceptions to this principle which may be embodied in a general convention to be concluded between the two Governments.

Nevertheless, French nationals employed in Algeria may decide, by a majority vote taken in each enterprise, to be affiliated to a French supplementary pension institution; such affiliation shall entail payment by the enterprise of the contributions required under the rules and regulations of the institution in question. The choice must be made within six months from the effective date of this Agreement.

Where a new enterprise is established after that effective date, the choice of the French nationals must be made within six months from the date of establishment.

Article 2

Algerian nationals who are employed in Algeria and are therefore, by virtue of the regulations applicable to them, dependent on a French supplementary pension institution shall be affiliated automatically to an Algerian institution.

Rights acquired or in course of acquisition in respect of the French institutions in question shall be maintained. The modalities for the maintenance of such rights shall be established in agreements to be concluded between the French and Algerian institutions concerned.

SECTION II

DISPOSITION OF PREVIOUS ARRANGEMENTS

Article 3

As from 1 January 1965, the Decree of 26 May 1962 and the agreements concluded on the basis thereof shall cease to be applicable.

Article 4

The following arrangements shall be made for persons who, on the effective date of this Agreement, are dependent, because of services rendered in Algeria, on an Algerian institution which is a member of OCIP or on a French institution acting on its behalf :

- (a) Persons of French nationality resident in France and enjoying rights acquired, in course of acquisition or to be acquired in the future in relation to Algerian supplementary pension institutions because of periods of paid employment in Algeria prior to 1 July 1962, shall receive appropriate benefits or shall have their rights validated by French institutions;
- (b) French nationals remaining in Algeria shall continue to receive the sums owed to them by Algerian institutions;
- (c) Other persons dependent on Algerian institutions shall be the concern of those institutions.

The case files of the persons referred to in this article shall be transferred under the supervision of the competent administrative authorities of the two countries, by the institutions holding them to the institutions referred to in article 5.

Article 5

The French and Algerian Governments shall take all regulatory measures to fix the rates of the benefits payable to persons affiliated to the institutions of their country and to designate the institutions assuming liability.

Article 6

Reserves and other assets held, in France or Algeria, on 1 January 1965 by the institutions referred to in the first paragraph of article 4 together with contributions not yet transferred to France on that date shall, after deduction of the sums necessary for payment of benefits falling due in the fourth quarter of 1964, be apportioned as follows :

- 4/5 to the French institutions referred to in article 4 (a),
- 1/5 to the Algerian institutions referred to in article 4 (b) and (c).

In effecting the apportionment prescribed in this article, financial transactions carried out by the institutions from 13 November to 31 December 1964 inclusive shall be taken into account only in so far as they concern the payment of benefits falling due and current administrative expenditure.

The French and Algerian Governments shall take all regulatory measures so that each country may calculate the amount of reserves and other assets defined as prescribed above and transfer them to the organizations required under article 5 to assume liability in respect of the persons referred to in article 4.

Article 7

The provisions of this Agreement shall not apply to persons covered by agricultural supplementary schemes.

Article 8

This Agreement shall enter into force on 1 January 1965.

Nevertheless, institutions liable under this Agreement for the payment of benefits shall pay only those instalments falling due after 31 March 1965.

Payments made between 1 January 1965 and 1 April 1965 by institutions formerly liable shall be made on behalf of the institutions liable under this Agreement and shall be the subject of eventual financial settlements between the said institutions, under the supervision of the administrative authorities of the two countries.

DONE at Paris on 16 December 1964 in two copies.

For the Government
of the French Republic :

J. DE BROGLIE

[SEAL]

For the Government
of the Democratic and Popular
Republic of Algeria :

Ch. TALEB

[SEAL]

EXCHANGE OF LETTERS

I

Paris, 16 December 1964

Sir,

To facilitate the operation of the supplementary pension schemes in our two States, I have the honour to propose to you that our two Governments should, notwithstanding any domestic regulations affecting exchange controls, undertake mutually not to establish any impediment to the whole range of financial movements involved in the operation of these schemes.

I should be grateful if you would inform me whether this proposal meets with the approval of the Algerian Government. If such is the case, this letter and your reply shall be considered as constituting an agreement between our two Governments.

Accept, Sir, etc.,

J. DE BROGLIE

[SEAL]

Mr. Chaïb Taleb
Deputy High Representative
of the Democratic and Popular Republic of Algeria
Chargé d'Affaires *ad interim*
of the Algerian Embassy

II

EMBASSY OF THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA
PARIS

Sir,

By your communication of today's date, you transmitted to me a letter which reads as follows :

[See letter I]

I have the honour to inform you that the proposal in your letter meets with the approval of my Government.

Accept, Sir, etc.

Paris, 16 December 1964.

Minister Delegate
Deputy High Representative:

Ch. TALEB

[SEAL]

Mr. Jean de Broglie
Secretary of State for Algerian Affairs
Paris VII
