

No. 13126

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**NETHERLANDS**  
**and**  
**MOROCCO**

**General Convention on social security. Signed at Rabat on 14  
February 1972**

**Administrative Agreement concerning the manner of applica-  
tion of the above-mentioned Convention. Signed at Rabat  
on 3 November 1972**

*Authentic texts: French.*

*Registered by the Netherlands on 28 February 1974.*

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**PAYS-BAS**  
**et**  
**MAROC**

**Convention générale de sécurité sociale. Signée à Rabat le 14  
février 1972**

**Arrangement administratif relatif aux modalités d'applica-  
tion de la Convention susmentionnée. Signé à Rabat le  
3 novembre 1972**

*Textes authentiques : français.*

*Enregistrés par les Pays-Bas le 28 février 1974.*

## [TRANSLATION — TRADUCTION]

GENERAL CONVENTION<sup>1</sup> ON SOCIAL SECURITY BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE KINGDOM OF MOROCCO

The Kingdom of the Netherlands and The Kingdom of Morocco,  
Desiring to regulate relations between the two States in the matter of social security,

Have agreed as follows:

## TITLE I

## GENERAL PROVISIONS

*Article 1.* 1. This Convention shall apply:

- a) In the Netherlands, to the legislation concerning:
- Sickness insurance (benefits in cash and in kind in respect of sickness and maternity);
  - Incapacity (invalidity) insurance;
  - Old age insurance;
  - Widows' and orphans' insurance;
  - Unemployment insurance;
  - Family allowances.
- b) In Morocco, to:
- The legislation relating to the social security scheme;
  - The legislation relating to industrial accidents and occupational diseases;
  - 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.

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

However, it shall apply:

- (a) to laws or regulations covering a new branch of social security only if an agreement to that effect is concluded between the Contracting Parties;
- (b) to laws or regulations extending existing schemes to new categories of beneficiaries only if the Party amending its legislation does not raise an objection, notice of which must be given to the Government of the other Party within a period of three months from the date of the official publication of such laws or regulations.

<sup>1</sup> Came into force on 1 January 1973, i.e. the first day of the second month following the month in which the Governments of the Contracting Parties notified each other that the constitutional formalities had been completed in their respective countries, in accordance with article 37.

*Article 2.* 1. The provisions of this Convention shall apply to employed persons or persons treated as such who are or have been subject to the legislation of one of the Contracting Parties and are nationals of one of the Parties, and to the members of their families and their survivors.

2. The provisions of this Convention shall not apply to career diplomatic and consular officers or to officers on the staff of chancelleries.

3. The application of the provisions of this Convention to sea farers shall be subject to the conclusion of a special agreement.

*Article 3.* Unless otherwise provided by this Convention, nationals of one of the Contracting Parties to whom this Convention applies shall be subject to the requirements and entitled to the advantages of the legislation of the other Party under the same conditions as nationals of that Party.

*Article 4.* For the purposes of the acquisition, maintenance or recovery of the right to benefits, where an employed person or a person treated as such has been subject successively or alternately to the legislation of both Contracting Parties, the periods of employment or insurance periods completed under the legislation of each of the Contracting Parties, and any periods recognized as equivalent thereto, shall be aggregated, provided that they do not overlap.

*Article 5.* 1. Invalidity, old age or survivors' benefits in cash, pensions in respect of industrial accidents or occupational diseases and death grants acquired under the legislation of one of the Contracting Parties shall not be reduced, modified, suspended, discontinued or confiscated on the ground that the beneficiary is resident in the territory of the Contracting Party other than that in whose territory the insurance authority liable for the benefit is situated.

2. Social insurance benefits of one of the Contracting Parties as specified in paragraph 1 shall be paid to nationals of the other Contracting Party resident in the territory of a third State under the same conditions and to the same extent as to nationals of the first-mentioned Party resident in the territory of that third State.

## TITLE II

### PROVISIONS TO DETERMINE WHICH LEGISLATION IS APPLICABLE

*Article 6.* 1. Subject to the provisions of articles 7 to 9, an employed person or a person treated as such who is employed in the territory of one of the Contracting Parties shall be subject to the legislation of that Party, even if he is habitually resident in the territory of the other Party or the domicile of his employer or the principal place of business of the enterprise which employs him is in the territory of the other Party.

2. An employed person or a person treated as such who is employed on board a ship or aircraft in the service of an enterprise which has its principal place of business in the territory of one of the Contracting Parties shall be subject to the legislation of that Party, even if he is habitually resident in the territory of the other Party.

*Article 7.* The rules laid down in the preceding article shall be subject to the following exceptions:

(a) An employed person or a person treated as such who is employed in a country other than the country of his habitual residence by an enterprise having in the last-mentioned country an establishment in which he is normally employed shall remain subject to the legislation in force in the country of his habitual place of

work, provided that his employment in the territory of the other country does not exceed 12 months; if for unforeseeable reasons, such employment is extended beyond the length of time originally envisaged, thereby exceeding 12 months, the application of the legislation in force in the country of the habitual place of work may by way of exception be extended, with the consent of the competent authority of the country of the temporary place of work, for a further period of not more than 12 months;

- (b) An employed person or a person treated as such who is employed in connexion with international transport, in a travelling capacity in the service of an enterprise having its principal place of business in the territory of one of the Contracting Parties shall be subject to the legislation of the Contracting Party in whose territory the enterprise has its principal place of business; if, however, he is employed by a branch or a permanent agency which the said enterprise has in the territory of the other Party, he shall be subject to the legislation of the last-mentioned Party.

*Article 8.* 1. Without prejudice to the provisions of article 2, paragraph 2, the provisions of article 6 shall apply to employed persons or persons treated as such who are employed at the diplomatic or consular posts of the Contracting Parties or are in the personal employ of officers of such posts.

2. However, an employed person as specified in paragraph 1 of this article who is a national of the Contracting Party represented by the diplomatic mission or consular post in question may, within a period of six months after the commencement of his employment or the entry into force of this Convention, elect to be subject to the legislation of the sending State. This option shall not have retroactive effect and may be exercised only once.

*Article 9.* The competent authorities of the Contracting Parties may, by agreement, make exceptions to the provisions of articles 6 to 8 of this Convention, for specific employed persons or groups of employed persons, as regards the applicable legislation.

### TITLE III

## SPECIAL PROVISIONS

### Chapter 1. SICKNESS AND MATERNITY

*Article 10.* 1. An employed person or a person treated as such who has completed insurance periods under the legislation of one of the Contracting Parties and who moves to the territory of the other Party shall be entitled, for himself and for such members of his family as are in that territory, to the sickness-maternity insurance benefits provided for by the legislation of the last-mentioned Party, provided that he satisfies the conditions imposed by the legislation of that Party, account being taken of the aggregation of periods referred to in article 4 of this Convention.

2. Where, in the case specified in the preceding paragraph, the employed person or person treated as such does not satisfy the conditions referred to in that paragraph, and where he is still entitled to benefits under the legislation of the Contracting Party in whose territory he was last insured, or would be so entitled if he were in that territory, he shall be entitled to cash benefits in the country to which he has moved. Such benefits shall be paid by the insurance authority of the aforementioned Party in accordance with the provisions of its legislation.

*Article 11.* 1. An employed person or a person treated as such who is insured with an insurance authority of one of the Contracting Parties and is resident in the territory of that Party shall be entitled to benefits during a temporary stay in the territory of the other Contracting Party if his state of health becomes such as to necessitate immediate medical treatment, including admission to hospital.

2. This provision shall also apply to members of the family of the employed person accompanying him during such temporary stay.

*Article 12.* An employed person or a person treated as such who has acquired the right to benefits from an insurance authority of one of the Contracting Parties and who is resident in the territory of that Party shall retain that right when he transfers his residence to the territory of the other Contracting Party. Before transferring his residence, however, he must obtain the consent of the competent insurance authority, which may withhold its consent only if advised by a physician on its staff that the removal of the person concerned might endanger his health or interfere with medical treatment.

*Article 13.* In the cases specified in articles 11 and 12, cash benefits shall be paid in accordance with the legislation of the competent country.

*Article 14.* 1. The cost of benefits in kind provided under articles 11 and 12 of this Convention shall be repaid by the competent insurance authorities.

2. The amounts due shall be determined and repaid according to rules to be laid down in an administrative agreement.<sup>1</sup>

*Article 15.* 1. Members of the family of an employed person or of a person treated as such who is insured with an insurance authority of one of the Contracting Parties shall, when resident in the territory of the other Contracting Party, be entitled to benefits in kind.

2. The acquisition of the right to such benefits, the members of the family concerned, the duration and scale of the benefits and the manner of providing them, the rate and manner of repayment and the date from which the provisions of this article shall apply shall be determined by an administrative agreement.

## Chapter 2. INVALIDITY

*Article 16.* 1. Cash benefits shall be paid in accordance with the provisions of the legislation which applied to the person concerned at the time when the incapacity, followed by invalidity, occurred, and the cost shall be borne by the insurance authority which is competent under that legislation.

2. If, by virtue of the application of the preceding paragraph, the benefits are payable under Moroccan legislation, any prior insurance periods completed under Netherlands legislation shall be regarded as Moroccan insurance periods for the purpose of determining the amount of the benefits.

*Article 17.* Where, account being taken of the aggregation of insurance periods referred to in article 4 of this Convention, the person concerned does not satisfy the conditions for the award of an invalidity benefit in cash under the legislation applying to him at the time when the incapacity, followed by invalidity, occurred, and where he is still entitled to benefits under the legislation of the Contracting Party in whose territory he was last insured, or would be so entitled if he were in that territory, he shall be entitled to such benefits in the country to which he has moved. Such benefits shall be paid by the the insurance authority of the aforementioned Party in accordance with the provisions of its legislation.

<sup>1</sup> See p. 76 of this volume.

*Article 18.* 1. If, after suspension of an invalidity pension or benefit, the insured person recovers his entitlement, the provision of benefits shall be resumed by the agency liable for the pension or benefit originally granted where the invalidity is attributable to the sickness in respect of which such pension or benefit was awarded.

2. If, after discontinuance of an invalidity pension or benefit, the state of health of the insured person justifies the award of a further pension or benefit, the latter shall be provided in accordance with the rules laid down in article 16.

### Chapter 3. OLD AGE AND DEATH

*Article 19.* The benefits which an insured person who has been subject to the legislation of both Contracting Parties may claim under Moroccan legislation shall be determined in the following manner:

- (a) The Moroccan insurance authority shall determine in accordance with its own legislation whether the person concerned satisfies the conditions for entitlement to the benefits provided for by that legislation, account being taken of the aggregation of periods referred to in article 4 of this Convention.
- (b) Where a right is acquired in accordance with the preceding subparagraph, the said insurance authority shall calculate the amount of the benefit to which the person concerned would be entitled if all the insurance periods, aggregated in the manner specified in article 4 of this Convention, had been completed exclusively under its own legislation; on the basis of that amount, the insurance authority shall determine the amount due according to the proportion which the duration of the periods completed under that legislation before the occurrence of the insurance contingency bears to the total duration of the periods completed or recognized as equivalent periods under the legislation of both Contracting Parties; the latter amount shall represent the benefit payable to the person concerned by the Moroccan insurance authority.

*Article 20.* Netherlands insurance authorities shall calculate old age pensions directly and exclusively on the basis of insurance periods completed under their own legislation.

*Article 21.* 1. For the purpose of calculating an old age pension payable under Netherlands legislation to an insured person, periods of residence completed in Morocco by his wife before the age of 65 years and during their marriage shall be regarded as insurance periods, provided that they coincide with insurance periods completed by the insured person under Netherlands legislation.

2. Periods of residence as specified in the preceding paragraph shall not be taken into account if they coincide with compulsory insurance periods completed by the wife under Moroccan legislation which entitle her to an old age pension or with periods during which she is in receipt of an old age pension.

*Article 22.* 1. Where, at the time of his death, an employed person to whom this Convention applies is insured under Moroccan legislation and has completed insurance periods under the Netherlands legislation concerning survivors' benefits, his widow shall be entitled to a pension under the last-mentioned legislation.

2. The amount of the pension referred to in the preceding paragraph shall be calculated on the basis of the proportion which the length of time for which the deceased was actually insured under the Netherlands legislation concerning survivors' benefits bears to the maximum of length of time for which he could have been insured under that legislation.

*Article 23.* A widow's pension shall, where appropriate, be apportioned between the beneficiaries in accordance with the personal status of the insured person. The procedures for applying this article shall be laid down in an administrative agreement.

#### Chapter 4. INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

*Article 24.* An employed person who has acquired the right to benefits in kind must, before transferring his residence, obtain the consent of the insurance authority liable for the said benefits. The insurance authority may withhold its consent only if the removal of the person concerned might endanger his health or interfere with medical treatment.

*Article 25.* In case of a transfer or residence, the provision of prosthesis, of large prosthetic appliances and of other major benefits in kind shall be subject, except in cases of unmistakable urgency, to prior authorization by the insurance authority with which the person concerned is insured.

#### Chapter 5. FAMILY ALLOWANCES

*Article 26.* 1. Family allowances payable under Netherlands legislation to a Moroccan employed person whose children are resident in Morocco shall be paid directly to the person responsible for the case of such children in Morocco.

2. Family allowances payable under Moroccan legislation to a Netherlands employed person whose children are resident in the Netherlands shall be paid directly to the person responsible for the case of such children in the Netherlands.

3. The procedures for applying this article shall be laid down in an administrative agreement.

#### Chapter 6. UNEMPLOYMENT

*Article 27.* An employed person or a person treated as such of one of the Contracting Parties who has moved to the territory of the other Party shall be entitled while in that territory to the unemployment benefits provided for by the legislation of the last-mentioned Contracting Party, provided that:

- (a) He was accepted for employment in accordance with the provisions of the legislation concerning the employment of foreign workers;
- (b) He satisfies the conditions imposed by the legislation of the last-mentioned Contracting Party, account being taken of the aggregation of periods referred to in article 4 of this Convention.

### TITLE IV

#### MISCELLANEOUS PROVISIONS

*Article 28.* The competent authorities shall:

1. Make such administrative arrangements as may be necessary for the application of this Convention;
2. Communicate to each other full information regarding measures taken for the application of this Convention;

3. Communicate to each other full information regarding any changes in their legislation which may affect its application.

*Article 29.* 1. The authorities and insurance authorities responsible for the implementation of this Convention shall assist one another in applying this Convention; they shall act as though the matter were one affecting the application of their own legislation.

2. The insurance authorities and the authorities of each of the Contracting Parties may, for the purposes of the application of this Convention, communicate directly with one another and with the persons concerned or their authorized representatives.

*Article 30.* 1. Any exemption from or reduction of charges, stamp duties, court fees or registration fees provided for by the legislation of one of the Contracting Parties in respect of papers or documents required to be produced for the purposes of the legislation of that Party shall be extended to similar papers and documents required to be produced for the purposes of the legislation of the other Contracting Party or of this Convention.

2. Legalization by diplomatic and consular authorities and payment of chancery fees shall be waived in respect of all certificates, documents and papers required to be produced for the purposes of this Convention.

*Article 31.* 1. Direct correspondence between insurance authorities for the purposes of this Convention shall be conducted in the French language.

2. The insurance authorities and the authorities of one of the Contracting Parties shall not reject claims or other documents addressed to them on the ground that they are drawn up in the official language of the other Contracting Party.

*Article 32.* Claims, declarations or appeals which, for the purposes of the legislation of one of the Contracting Parties, must be presented within a prescribed time-limit to an authority, insurance authority or other agency of that party shall be admissible if they are presented within the same time-limit to a corresponding authority, insurance authority or other agency of the other Contracting Party. In such cases, the authority, insurance authority or agency concerned shall, after entering the date of receipt thereon, transmit such claims, declarations or appeals without delay to the competent authority, insurance authority or agency of the first-mentioned party, either direct or through the competent authorities of the Contracting Parties.

*Article 33.* 1. The insurance authorities of one Contracting Party which are liable under this Convention for the payment of cash benefits to beneficiaries who are in the territory of the other Contracting Party shall be held to discharge their liability validly by payment in the currency of the first-mentioned Party; money due from such insurance authorities to insurance authorities which are in the territory of the other Contracting Party must be paid in the currency of the last-mentioned Party.

2. Transfers of funds required for the implementation of this Convention shall be effected in accordance with the relevant agreements or rules in force between the two Contracting Parties at the time of the transfer.

*Article 34.* 1. Any dispute between the Contracting Parties relating to the interpretation or application of this Convention shall be the subject of direct negotiations between the competent authorities of the Contracting Parties.

2. If the dispute cannot be resolved by that means within a period of six months from the opening of negotiations, it shall be submitted to an arbitral commission, whose composition and procedure shall be determined by agreement be-



tween the Governments of the Contracting Parties. The arbitral commission shall resolve the dispute in accordance with the fundamental principles and the spirit of this Convention. Its decisions shall be binding and final.

## TITLE V

### TRANSITIONAL AND FINAL PROVISIONS

*Article 35.* 1. This Convention shall in no case confer any right to the payment of benefits for a period before the date of its entry into force.

2. Any insurance period completed under the legislation of one of the Contracting Parties before the date of entry into force of this Convention shall be taken into account for the purpose of determining the right to benefits in accordance with the provisions of this Convention.

3. Subject to the provisions of paragraph 1 of this article, a pension or annuity shall be payable under this Convention even in respect of an event which occurred before the date of its entry into force. To this end, any pension or annuity which has not been paid or which has been suspended by reason of the nationality of the person concerned or because he is resident in the territory of the other Contracting Party shall, upon his application, be paid or reinstated as from the date of entry into force of this Convention.

4. With regard to the rights arising out of the application of the preceding paragraph, the legislative provisions of the Contracting Parties concerning the lapse and extinction of rights shall not apply to the beneficiary, provided that the claim is presented within a period of two years from the date of entry into force of this Convention. If the claim is presented after the expiry of that period, such right to benefit as has not lapsed or been extinguished shall be acquired as from the date of presentation of the claim, unless more favourable legislative provisions of one Contracting Party are applicable.

*Article 36.* In the case of the Kingdom of the Netherlands, this Convention shall apply only to the Kingdom in Europe.

*Article 37.* This Convention shall enter into force on the first day of the second month following the month in which the Governments of the Contracting Parties notify each other that the constitutional formalities for its entry into force have been completed in their respective countries.

*Article 38.* This Convention is concluded for an indefinite period. It may be terminated by either of the Contracting Parties. Notice of termination shall be given not later than six months before the end of any calendar year; the Convention shall then cease to have effect at the end of that year.

*Article 39.* 1. In the event of the termination of this Convention, any right acquired in accordance with its provisions shall be maintained.

2. Rights which are in process of acquisition in respect of periods completed before the date on which the termination takes effect shall not be extinguished by the termination; the preservation of such rights in respect of the period after termination shall be determined by mutual agreement or, in the absence of such agreement, by the national legislation of the insurance authority concerned.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Rabat, on 14 February 1972, in duplicate, in the French language.

For the Kingdom  
of the Netherlands:

[*Signed*]

CORNELIS VREEDE

Ambassador

of the Kingdom of the Netherlands

For the Kingdom  
of Morocco:

[*Signed*]

ARSALANE EL JADIDI

Minister for Labour,

Social Affairs,

Youth and Sport

## [TRANSLATION — TRADUCTION]

ADMINISTRATIVE AGREEMENT<sup>1</sup> CONCERNING THE MANNER OF APPLICATION OF THE GENERAL CONVENTION ON SOCIAL SECURITY BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE KINGDOM OF MOROCCO SIGNED AT RABAT ON 14 FEBRUARY 1972<sup>2</sup>

Pursuant to article 14, paragraph 2, article 23, article 26, paragraph 3, and article 28 of the General Convention on Social Security between the Kingdom of the Netherlands and the Kingdom of Morocco, signed at Rabat on 14 February 1972<sup>2</sup> (hereinafter referred to as “the Convention”), the competent Netherlands and Moroccan authorities, namely:

The Netherlands Minister for Social Affairs and the Netherlands Minister of Health and Environment and

The Moroccan Minister for Labour, Social Affairs, Youth and Sport,

Have, by agreement, drawn up the following provisions:

## Chapter I. GENERAL PROVISIONS

*Article 1.* For the purposes of the Convention and of this Agreement:

(a) The term “insurance authority” means the agency responsible for applying one or more of the bodies of legislation specified in article 1 of the Convention;

(b) The term “competent insurance authority” means the insurance authority with which the person concerned is insured at the time of the application for benefits or against which he has an entitlement to benefits or would continue to have such entitlement if he were resident in the country in which such insurance authority is situated;

(c) The term “residence” or “resident” means habitual residence or habitually resident;

(d) The term “members of the family” means persons defined or accepted as members of the family by the legislation applied by the competent insurance authority.

*Article 2.* For the purposes of this Agreement, the following are hereby designated as liaison agencies:

## 1. In the Netherlands:

(a) For benefits in kind in the event of sickness or maternity: the Ziekenfondsraad (Board of Sickness Insurance Funds) at Amsterdam;

(b) For family allowances: the Vereeniging van Raden van Arbeid (Association of Labour Councils) at Amsterdam;

(c) For old age and survivors' pensions and for family allowances payable to the beneficiaries of such pensions: the Sociale Verzekeringsbank (Social Insurance Bank) at Amsterdam;

<sup>1</sup> Came into force on 1 January 1973, the date of entry into force of the Convention, in accordance with article 35.

<sup>2</sup> See p. 67 of this volume.

(d) In all other cases: the Gemeenschappelijk Administratiekantoor (Joint Administrative Office) at Amsterdam;

2. In Morocco:

The Caisse nationale de sécurité sociale (National Social Security Fund) (CNSS) at Casablanca.

*Article 3.* The aggregation of insurance periods, as referred to in article 4 of the Convention, shall be effected in accordance with the following rules:

- (a) Periods of employment or insurance periods completed under the legislation of one Contracting Party shall be added to periods of employment or insurance periods completed under the legislation of the other Party, to the extent that it is necessary to supplement in this manner such periods completed under the legislation of the last-mentioned Party, provided that the periods in question do not overlap;
- (b) Where an insurance period completed in a compulsory insurance scheme under the legislation of one Contracting Party coincides with an insurance period completed in a voluntary insurance scheme under the legislation of the other Party, only the first-mentioned period shall be taken into account;
- (c) Where an insurance period actually completed under the legislation of one Contracting Party coincides with a period recognized as an equivalent period under the legislation of the other Party, only the first-mentioned period shall be taken into account;
- (d) If, according to the legislation of one Contracting Party, certain periods of employment or insurance periods are not taken into account unless they were completed within a specified length of time, the insurance authority applying that legislation shall take periods completed under the legislation of the other Party into account only if they were completed within the same length of time.

*Article 4.* 1. In the case specified in article 7 (a) of the Convention, the agency, as indicated in paragraph 2 of this article, of the country whose legislation remains applicable shall issue to the employed person, upon request, a certificate stating that he remains subject to the legislation of that country. Where two or more persons employed by one and the same enterprise are simultaneously assigned to work together in the other country, a single certificate may cover all such employed persons.

The certificate referred to in the preceding subparagraphs must indicate, in addition to particulars concerning the employed person and the employer, the exact duration and dates of the period of assignment and must bear the seal of the issuing agency and the date of issue.

2. The certificate shall be issued:

In the Netherlands, by the Sociale Verzekeringsraad (Social Insurance Board) at The Hague;

In Morocco, by the Caisse nationale de sécurité sociale, at Casablanca.

3. The certificate must be produced by the employer's agent in the other country if there is such an agent, or otherwise by the employed person himself.

4. If the employment is to be extended beyond a period of 12 months, the employer shall, before that period expires, make application for an extension of the assignment to the agency which issued the original certificate; the issuing agency shall obtain the consent of the competent authority of the country of the temporary place of work and, on receipt of such consent, shall issue a second certificate.

5. The employer and the employed persons concerned shall settle all questions relating to social security contributions direct with the competent Netherlands insurance authority, when the country of the habitual place of work is the Kingdom of the Netherlands, and with the competent Moroccan insurance authority, when the country of the habitual place of work is the Kingdom of Morocco.

*Article 5.* 1. An employed person exercising his option under article 8, paragraph 2, of the Convention, shall, through his employer, so inform the agency, as indicated in article 4, paragraph 2, of this Agreement, of the country for whose legislation he has opted. That agency shall duly inform the corresponding agency of the other country.

2. The option shall have effect as from the first day of the month following the date of receipt of the application.

## Chapter 2. SICKNESS AND MATERNITY

*Article 6.* 1. In order to benefit from the aggregation of insurance periods referred to in article 4 of the Convention, an employed person who has moved from one country to the other must submit to the competent insurance authority of the last-mentioned country a certificate showing the insurance periods completed under the legislation of the first-mentioned country.

2. The certificate shall be issued at the request of the employed person:

- (a) In respect of insurance periods completed in the Netherlands, by the trade association with which his last employer in the Netherlands is affiliated. However, if the employed person was insured only for benefits in kind, the certificate shall be issued by the sickness insurance fund with which he was last insured;
- (b) In respect of insurance periods completed in Morocco, by the Caisse nationale de sécurité sociale.

3. If the employed person does not submit the certificate, the competent insurance authority of the country to which he has moved shall request it from the insurance authority indicated above.

*Article 7.* 1. In order to receive cash benefits in Morocco under Netherlands legislation, an employed person who is in Morocco must make application to the Caisse nationale de sécurité sociale. The latter insurance authority shall forward the application without delay, either direct or through the liaison agency, to the competent Netherlands insurance authority, attaching a medical certificate of incapacity for work issued by the attending physician. The Caisse nationale shall indicate the date of receipt of the application and the name and address of the employed person's employer or former employer in the Netherlands.

2. Where the regulations of the trade association with which the employed person is insured contain special provisions relating to the submission of an application for benefits, the employed person must also comply with those provisions.

3. In order to receive cash benefits in the Netherlands under Moroccan legislation, an employed person who is in the Netherlands must make application to the Nieuwe Algemene Bedrijfsvereniging (New General Trade Association), giving the name and address of his employer. The latter insurance authority shall forward the application without delay, either direct or through the liaison agency, to the competent Moroccan insurance authority, attaching a medical report by its insurance physician.

*Article 8.* 1. Where the competent Netherlands insurance authority does not itself exercise control over the insured person who is in Morocco, it shall request the

Caisse nationale de sécurité sociale to have a medical report prepared on the state of health of the employed person and to arrange for administrative control.

In such a case, the Caisse nationale de sécurité sociale shall immediately have the employed person placed under medical control and shall forward the relevant report without delay to the Netherlands insurance authority which requested it.

The competent Netherlands insurance authority shall have sole power to take the decision regarding entitlement to benefits, subject only to the powers of the competent Netherlands courts in case of dispute.

2. Where the competent Moroccan insurance authority does not itself exercise control over the insured person who is in the Netherlands, it shall request the Nieuwe Algemene Bedrijfsvereniging (New General Trade Association) to conduct medical and administrative control.

In such a case, the Nieuwe Bedrijfsvereniging shall conduct the control in the manner provided for in the case of persons insured with that insurance authority itself and shall forward the relevant report without delay to the Moroccan insurance authority which requested it.

The Moroccan insurance authority shall have sole power to take the decision regarding entitlement to benefits, subject only to the power of the competent Moroccan courts in case of dispute.

*Article 9.* 1. For the purposes of article 11 of the Convention, an employed person or a person treated as such who is insured with a Netherlands sickness insurance fund shall be entitled to benefits in kind during the first two months of his temporary stay in Morocco.

2. Where, owing to his state of health, the employed person or person treated as such is unable to return to the Netherlands before the expiry of the period specified in paragraph 1, he shall retain his entitlement to benefits in kind so long as he is entitled to cash benefits under the Netherlands legislation relating to sickness insurance.

3. Unless established in some other way by the competent sickness insurance fund, inability to return to the Netherlands shall be established by the medical services of the Caisse nationale de sécurité sociale, which shall prepare a detailed report to that effect; the Caisse nationale shall forward its report without delay to the competent sickness insurance fund in the Netherlands. The competent sickness insurance fund in the Netherlands shall inform the Caisse nationale de sécurité sociale of its decision.

*Article 10.* 1. In order to receive medical treatment, including, where necessary, admission to hospital, during a temporary stay in Morocco, an employed person as specified in article 11, paragraph 1, of the Convention who is insured with a Netherlands sickness insurance fund shall submit to the insurance authority of the place of temporary residence a certificate issued by the competent sickness insurance fund, if possible before the commencement of the temporary stay, proving that he is entitled to the aforementioned benefits.

The certificate shall indicate, in particular, the length of time for which the benefits may be provided under the provisions of article 9 of this Agreement. If the employed person does not submit the certificate, the insurance authority of the place of temporary residence shall request it without delay from the competent sickness insurance fund.

2. In the event of admission to hospital, the insurance authority of the place of temporary residence shall notify the competent sickness insurance fund, within a period of seven days from the date on which it learns of the occurrence, of the date of

admission and the probable duration of stay in a hospital or other medical establishment; upon discharge from the hospital or other medical establishment, the insurance authority of the place of temporary residence shall, within a period of seven days from the date on which it learns of the occurrence, notify the competent sickness insurance fund of the date of discharge.

3. The provision of prosthesis, of large prosthetic appliances and of other major benefits in kind shall be subject to prior authorization by the competent sickness insurance fund. Where such benefits have been provided, in cases of unmistakable urgency, without the prior authorization of the competent sickness insurance fund, the latter shall be notified immediately by the insurance authority of the place of temporary residence.

4. For the purposes of paragraph 3 of this article, the term "cases of unmistakable urgency" means cases where provision of the benefit cannot be delayed without seriously endangering the life or health of the person concerned. In the event of accidental breakage of or damage to a prosthetic device or appliance, proof of the need for repair or replacement of the device or appliance shall suffice to establish unmistakable urgency.

5. The liaison agencies for benefits in kind shall draw up by agreement a list of benefits referred to in paragraph 3 of this article.

*Article 11.* The provisions of article 9, paragraph 1, and article 10 of this Agreement shall apply *mutatis mutandis* to members of the family of an employed person or of a person treated as such accompanying him during his temporary stay in Morocco.

*Article 12.* For the purposes of article 12 of the Convention, an employed person or a person treated as such who has acquired the right to benefits in kind under the Netherlands legislation shall retain that right throughout the period during which cash benefits are being paid under the Netherlands legislation relating to sickness insurance.

*Article 13.* 1. In order to retain the right to benefits in kind in Morocco, an employed person as specified in article 12 of the Convention who is insured with a Netherlands sickness insurance fund must submit to the Caisse nationale de sécurité sociale a certificate in which the competent sickness insurance fund authorizes him to retain the right to benefits in kind after his transfer of residence. The certificate shall indicate, in particular, the length of time for which the benefits may be provided under the provisions of article 12 of this Agreement. The competent sickness insurance fund may at the request of the employed person, issue the certificate after his transfer of residence if, for reasons of *force majeure*, it was not possible to do so in advance.

2. For the purposes of the provision of benefits in kind by the insurance authority of the new place of residence of the employed person, the provisions of article 10, paragraphs 2, 3 and 4 of this Agreement shall apply *mutatis mutandis*.

3. The insurance authority of the new place of residence shall, either on its own initiative or at the request of the competent sickness insurance fund, have the beneficiary examined at regular intervals with a view to determining whether medical treatment is actually and regularly being provided. Unless the competent sickness insurance fund has made other arrangements for the examination of the beneficiary, the aforementioned insurance authority must conduct such examinations and advise the competent sickness insurance fund of the findings immediately. The continued defrayal of the cost of medical treatment by the competent sickness insurance fund shall be subject to compliance with these rules.

4. If the insurance authority of the place of residence established that hospital treatment can be terminated, it shall notify the employed person of the date of termination of hospital treatment and shall send a copy of the notification to the competent sickness insurance fund immediately.

*Article 14.* 1. Repayment of the cost of benefits in kind provided in accordance with articles 9 to 13 of this Agreement shall be effected by the Moroccan liaison agency designated in article 2 of this Agreement at the rates established by agreement between the competent liaison agencies of the two countries.

2. Repayment of the cost of benefits in kind provided in accordance with the provisions of the preceding paragraph shall be subject to their having been dispensed either by a person who is authorized by law to practise medicine or in a hospital establishment which is recognized by the Moroccan authorities or which maintains adequate medical standards; the cost of patent medicines may be repaid in cases where the Moroccan general mutual insurance scheme for civil servants provides for such repayment.

3. The Moroccan liaison agency shall forward to the Ziekenfondsraad half-yearly accounts relating to repayments, together with a statement in a form to be determined by agreement. The Ziekenfondsraad shall repay the amounts actually expended provided that they conform to the rates referred to in paragraph 1.

*Article 15.* The provisions of this chapter shall apply *mutatis mutandis* to the benefits in case of industrial accident or occupational disease payable under Moroccan legislation.

### Chapter 3. INVALIDITY

*Article 16.* 1. In the case specified in article 16, paragraph 2, of the Convention, the following rules shall apply for the purposes of the submission of applications:

- (a) The application shall be accompanied by the necessary documentary evidence and shall be submitted on the standard form specified under the legislation of the country of residence;
- (b) The accuracy of the information supplied by the applicant must be evidenced by official documents attached to the form or must be confirmed by the authorities duly empowered to perform that function in the country concerned;
- (c) The applicant shall, so far as possible, specify the insurance authority or authorities with which he was insured in the other country;
- (d) The insurance authority of the place of residence receiving the application shall enter the date of receipt thereon and shall forward it, without delay, together with any supporting documents as specified in this article, directly to the competent insurance authority of the other country.

2. The Netherlands liaison agency shall, at the request of the competent Moroccan insurance authority, forward a certificate of insurance periods completed under Netherlands legislation. The request for the certificate shall be accompanied by a statement of the periods of employment completed in the Netherlands, indicating the names and addresses of the Netherlands employers, according to the information supplied by the employed person.

*Article 17.* 1. Where the trade association against which an employed person resident in Morocco may claim benefits under Netherlands legislation does not itself exercise control, that insurance authority or the Gemeenschappelijke Medische Dienst (Joint Medical Service) may request the Caisse nationale de sécurité sociale to have a medical report prepared on the state of health of the employed person and to arrange for administrative control.



2. The administrative and medical control of persons in receipt of benefits under Moroccan legislation who are resident in the Netherlands shall be conducted, at the request of the competent insurance authority, through the Nieuwe Algemene Bedrijfsvereniging (New General Trade Association).

3. The provisions of article 8, paragraph 1, second and third subparagraphs, of this Agreement shall apply *mutatis mutandis*.

*Article 18.* 1. For the purposes of article 17 of this Agreement, the Caisse nationale de sécurité sociale or the Nieuwe Algemene Bedrijfsvereniging, as the case may be, shall arrange for examinations to assess the degree of invalidity of the person concerned with a view to the maintenance, adjustment, suspension or discontinuance of the benefit.

2. The examination report shall be forwarded without delay to the competent insurance authority which requested the control.

*Article 19.* If a person who is in receipt of an invalidity pension or benefit resumes work, the Caisse nationale de sécurité sociale or the Nieuwe Algemene Bedrijfsvereniging, as the case may be, shall forward a report to the other insurance authority. The report shall indicate the nature of the work, the amount earned by the person concerned, the normal remuneration received in the same locality by a person in the occupational category to which he belongs and, where appropriate, the opinion of a medical specialist concerning the state of health of the person concerned.

*Article 20.* Where, after suspension or discontinuance of a pension or benefit, an insured person recovers, in accordance with article 18 of the Convention, his entitlement to an invalidity pension or benefit while resident in the country other than the country liable for the pension, the insurance authorities concerned shall exchange all necessary information with a view to resumption of the payments.

#### Chapter 4. OLD AGE AND DEATH

*Article 21.* 1. In order to receive benefits in accordance with the provisions of article 19 of the Convention, an employed person or a survivor of an employed person resident in the Netherlands shall make his application for a benefit under Moroccan legislation to the Raad van Arbeid (Labour Council) for his place of residence. If the application is submitted to another Netherlands insurance authority, that authority shall enter the date of receipt thereon and shall forward it without delay to the competent Raad van Arbeid.

2. The Raad van Arbeid shall examine whether the application is in complete form and shall certify the accuracy of the statements made by the applicant. It shall attach a list of the insurance periods completed under Netherlands legislation and shall then forward the application to the competent Moroccan insurance authority.

3. The competent Moroccan insurance authority shall take a decision on the application and shall convey its decision directly to the applicant, in the French language, indicating the procedures and time-limits for the submission of appeals; it shall forward a copy thereof to the Raad van Arbeid.

4. In the case of a widow's pension, the Moroccan insurance authority shall, where appropriate, credit any arrears of pension to the Netherlands insurance authority.

At the time of final settlement of the claim for benefits, amounts overpaid by the Raad van Arbeid shall be deducted from the arrears of pension by the Caisse nationale de sécurité sociale, which shall remit them to the aforementioned Netherlands insurance authority.

*Article 22.* For the purposes of article 19 of the Convention, the Netherlands liaison agency must, at the request of the Moroccan insurance authority responsible for processing an application for benefits for an applicant resident in Morocco, forward a statement and summary of the insurance periods completed under Netherlands legislation.

*Article 23.* 1. An employed person resident in Morocco who applies for an old age pension under Netherlands legislation shall make his application to the Caisse nationale de sécurité sociale.

2. The Caisse nationale de sécurité sociale shall examine whether the application is in complete form and shall certify the accuracy of the statements made by the applicant. It shall in addition indicate for the purposes of article 21, paragraph 2, of the Convention, compulsory insurance periods completed by the wife of the applicant under Moroccan legislation which entitle her to an old age pension and any periods during which she is in receipt of an old age pension.

It shall then forward the application to the Sociale Verzekeringsbank.

*Article 24.* 1. Pursuant to articles 20 and 21 of the Convention, the calculation of the amount of the Netherlands old age pension payable to a married man shall be effected as follows:

- (a) For each calendar year during which a married man has been insured under the Netherlands general old age insurance scheme, he shall be entitled to an amount equal to 1 per cent of the amount of the full pension for a couple provided for by Netherlands legislation, plus a like amount for each calendar year during which his first wife, to whom he is married at the time when he attains the age of 65 years, was insured under Netherlands legislation or is deemed to have been insured under the provisions of article 21 of the Convention;
- (b) If the first wife of a married man was not insured under Netherlands legislation prior to their marriage, he shall be entitled to an amount equal to 2 per cent of the amount of the full pension for a single person provided for by Netherlands legislation for each calendar year during which he was insured under that legislation as a single person.

2. The conversion of periods of less than a calendar year into calendar years shall be effected in accordance with the provisions of Netherlands legislation.

3. The death of the first wife shall not affect the amount of the old age pension granted to a married man, so long as he remains married.

4. If the amount of an old age pension calculated under the Netherlands legislation relating to general old age insurance without application of the provisions of the Convention is greater than the amount calculated in accordance with the preceding paragraphs of this article, the first-mentioned amount shall be payable.

*Article 25.* 1. In order to receive benefits under Netherlands legislation, survivors of an employed person who are resident in Morocco must make application to the Caisse nationale de sécurité sociale.

2. An application for a pension submitted in valid form by one of the widows shall be valid equally and definitively in respect of the other beneficiaries, in accordance with the personal status of the insured person.

3. The Caisse nationale de sécurité sociale shall examine whether the application is in complete form and shall certify the accuracy of the statements made by the applicant; it shall then forward the application to the Sociale Verzekeringsbank, indicating whether the deceased was compulsorily insured in Morocco at the time of his death.

*Article 26.* The Sociale Verzekeringsbank shall take a decision on the application. Its decision, indicating the procedures and time-limits for the submission of appeals, shall be forwarded to the Moroccan liaison agency. The latter agency shall notify the applicant, in his mother tongue, by means of a summary note to which the decision is attached. Time-limits for the submission of appeals shall not begin to run until the applicant receives the summary note.

*Article 27.* For the purposes of calculating a widow's pension under Netherlands legislation, the maximum length of time referred to in article 22, paragraph 2, of the Convention shall be reckoned from the date on which the insured person attained the age of 15 years.

*Article 28.* Where, by reason of the death of an insured person, more than one person is entitled to a widow's pension, the apportionment as referred to in article 23 of the Convention, of the pension which is payable by the Netherlands insurance authority under Netherlands legislation or which, in the case referred to in article 22 of the Convention, is calculated in accordance with paragraph 2 of that article, shall be effected as follows:

Each of the widows shall be entitled to a part proportionate to the number of beneficiaries of the increased pension so long as she has one or more unmarried children under the age of 18 years, or of the standard pension if she has no such children.

#### Chapter 5. FAMILY ALLOWANCES

*Article 29.* Information concerning the family which is given in an application for family allowances payable under the legislation of one of the countries in respect of children resident in the other country shall, at the request of the competent insurance authority, be verified through the liaison agencies concerned.

#### Chapter 6. UNEMPLOYMENT

*Article 30.* 1. In order to benefit from the provisions of article 27 of the Convention, the applicant must submit to the competent Netherlands insurance authority a certificate of the periods of employment in Morocco which are to be taken into account to the extent that it is necessary to supplement in this manner the periods completed under Netherlands legislation.

2. The certificate shall be issued, at the request of the employed person, by the Caisse nationale de sécurité sociale.

#### Chapter 7. MISCELLANEOUS PROVISIONS

*Article 31.* 1. Benefits payable by the insurance authority of one country to beneficiaries who are resident in the other country shall be paid direct on the due dates provided for by the legislation which the insurance authority in question applies, either by international postal money order or through a bank.

2. Benefits shall be paid to the beneficiaries without deduction of postal or bank charges.

*Article 32.* The costs of medical control shall be borne by the insurance authority which requested the control.

Such costs shall be repaid upon presentation of detailed accounts, the total being increased by 7.5 per cent to cover administrative expenses.

*Article 33.* Any difficulties concerning the application of this Agreement shall be resolved by a commission composed of representatives of the competent

authorities, who may be accompanied by experts. The commission shall meet, once a year, if necessary, in each country alternately.

*Article 34.* The liaison agencies shall agree upon the standard forms and other documents required for the application of the Convention.

*Article 35.* This Agreement shall enter into force on the same date as the Convention. It shall have effect for the same period as the Convention.

DONE in duplicate in the French language, at Rabat, on 3 November 1972.

For the competent Netherlands  
authority:

C. VREEDE

The competent Moroccan  
authority:

A. EL JADIDI

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