

No. 13901

**FRANCE
and
ALGERIA**

Protocol relating to the modalities for the transfer of contributions payable to social security and social insurance bodies by persons residing or having resided in Algeria (with annexes). Signed at Paris on 6 May 1972

Authentic text: French.

Registered by France on 21 April 1975.

**FRANCE
et
ALGÉRIE**

Protocole relatif aux modalités de transfert de cotisations dues à des organismes de sécurité sociale et de prévoyance sociale par des débiteurs résidant ou ayant résidé en Algérie (avec annexes). Signé à Paris le 6 mai 1972

Texte authentique : français.

Enregistré par la France le 21 avril 1975.

[TRANSLATION — TRADUCTION]

PROTOCOL¹ RELATING TO THE MODALITIES FOR THE TRANSFER OF CONTRIBUTIONS PAYABLE TO SOCIAL SECURITY AND SOCIAL INSURANCE BODIES BY PERSONS RESIDING OR HAVING RESIDED IN ALGERIA

Article 1. The transfer from Algeria to France of the contributions listed below and payable to the insurance institutions referred to in article L.4 of the French Social Security Code (supplementary régimes) shall be carried out according to the conditions laid down by this Protocol.

These contributions both from employer and employee, shall be payable by enterprises or companies headquartered in Algeria, whether they be private or public under Algerian law, on behalf of the French nationals whom these enterprises or companies employ, have employed or shall employ.

These contributions shall be payable by virtue of the connexion of each French national to one or more French supplementary retirement institutions.

However, these contributions:

- may not cover any risk other than those laid down in the texts in effect at the date of signature of this Protocol;
- may not be due, for the same portion of salary and for the same risk, to more than one supplementary retirement institution.

They shall be classified as follows:

- back contributions due under the Agreements entered into by French and Algerian supplementary retirement institutions for the period from 22 October 1963 to 31 December 1964;
- back contributions due since 1 January 1965, the date on which the Agreement of 16 December 1964² concerning supplementary pension schemes between France and Algeria came into force;
- current contributions due under the above-mentioned Agreement.

Article 2. The transfer to Algeria of contributions to cover reinstatement and of current optional old age pensions contributions due under the following French laws:

- No. 61-1413 of 22 December 1961 extending to French wage earners residing in certain States and in the overseas territories the right to join the optional old age pensions scheme;
- No. 64-1272 of 23 December 1964 relating to the insurance of certain categories of lawyer with the National Fund for French Bar Associations;
- No. 65-555 of 10 July 1965 granting French people who are or have been employed gainfully or on a volunteer basis abroad, the right to join the optional old age pensions scheme,

shall also be carried out according to the conditions laid down in this Protocol.

¹ Came into force on 6 May 1972 by signature.

² United Nations, *Treaty Series*, vol. 720, p. 195.

The French institutions to whom these contributions shall be credited are:

- the agencies within the general organization of social security referred to in article L.1 of the French Social Security Code;
- independent institutions for old age benefits referred to in article L.645 of the French Social Security Code;
- the National Fund for French Bar Associations established under Act No. 48-50 of 12 January 1948 as amended, relating to lawyers' defence fees.

The following persons shall be liable for these contributions:

1. Natural persons of French nationality residing in Algeria on the date on which the transfer was requested, who are or have been gainfully or otherwise employed;
2. Natural persons of French nationality who are or have been gainfully or otherwise employed and who have resided in Algeria for a period of at least six months, to the extent that they continue to have title in Algeria to a "final departure" account that has not yet been closed.

Article 3. The competent authorities of the two countries have decided upon the procedure described below:

1. The French creditor body shall send the natural person or legal entity which is liable a call for contributions patterned on the model annexed to this Protocol. It shall send a copy of that letter to the French centralizing body.

2. Upon being presented with the call for contributions, the person liable shall proceed forthwith to pay the Algerian centralizing body the equivalent in dinars of the sum due, as defined in article 5, on the terms and within the limits laid down in this Protocol.

3. The Algerian centralizing body, after having checked into the regularity of the payment in question:

- shall hand the person concerned a receipt for the amount paid;
- shall send the French centralizing body, at the end of each month, a list, based on the model annexed to this Protocol, drawn up by the creditor French body, showing the amounts it has collected during that month and the name of the person who has made the payments. This list shall be drawn up in French francs as in the call for contributions handed to him by the debtor;
- shall transfer the full amount of the sums received to the postal order account of the French centralizing body on a quarterly basis;
- at the start of each year, shall send the French centralizing body a list based on the model annexed to this Protocol, drawn up by the French creditor body, showing the amount of the contributions actually transferred during the previous year and the name of the person in whose name the transfer is made.

4. The French centralizing body shall repay the sums due to each French creditor body.

Article 4. The competent French administrative authorities shall designate the French centralizing body referred to in the previous article and shall notify the Algerian party thereof.

The competent Algerian administrative authorities shall designate the Algerian centralizing body referred to in the preceding article and shall notify the French Party thereof.

Article 5. The breakdown of the total sum to be paid by the debtor to the competent Algerian body is as follows:

- the amount of the contributions due to the creditor body;
- administrative costs for the particular case.

These latter costs shall be set at 2 per cent of the amount of the contributions to be transferred.

Article 6. Transfers from Algeria to France of the contributions referred to in article 1 and 2 of this protocol shall be effected in instalments of up to a limit of 20 million francs in 1972, 20 million francs in 1973, 15 million francs in 1974 and 5 million francs annually as of 1 January 1975.

However, current contributions due under the conditions and limits provided for in article 1 of this Protocol shall be transferred without being computed within the above-mentioned quotas, as of 1 January 1972.

If a fraction of an annual quota is not used it shall be carried over to the following years.

Article 7. Any difficulties that may arise from the implementation of this Protocol shall be settled through the diplomatic channel.

DONE, in Paris, in duplicate, on 6 May 1972.

For the Government of the French Republic:
G. DE CHAMBRUN

For the Government of the People's Democratic Republic
of Algeria:
M. BEDJAOUI

A N N E X E S

ANNEX I

FRENCH-ALGERIAN PROTOCOL OF 6 MAY 1972

LETTER REQUESTING CONTRIBUTIONS:

- for optional old age insurance (1);
- for supplementary retirement funds (1)

Important: this document must be filled out in triplicate:

Two copies shall be sent by the issuing institution to the person owing the contributions; the third shall be sent to the Migrant Workers' Social Security Centre which is responsible for keeping the records and for distributing the funds transferred. The contributor shall keep a copy for himself and deposit the second copy with the Algerian agency that is competent to receive the funds, namely:

Caisse algérienne d'assurances vieillesse
22, boulevard Bougara, Alger (Algérie)

The French creditor institution (designation)
Address
to update individual account No.
of Mr. (surname and given names)
Employer's name and address (2)
for the period from	to
for reinstatement/for current contributions (1)	
Determines that the contributor owes the sum of:	
contributions
Overhead due to the Algerian agency (2 per cent)
TOTAL(3)

....., on..... 197.....
 STAMP Signature of the representative
 of the issuing institution: of the institution

ANNEX II

FRENCH-ALGERIAN PROTOCOL OF 6 MAY 1972

MONTHLY LIST OF CONTRIBUTIONS RECEIVED

Drawn up by (designation of the competent Algerian agency)

Reference no. of this list

Important: This list shall be sent at the end of each month, in duplicate, to the Migrant Workers' Social Security Centre.

Designation of the creditor French institution

Address Month 197.....

Reference number	Identification number	Surname, first names (or name of firm)	Address of debtor	Amount of contributions received (in francs)	For the period	Comments
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This list is in the amount of F..... on..... 19.....
 Stamp of the Algerian agency Signature of the representative of the Algerian agency

(1) Delete as appropriate
 (2) Fill in, the case of supplementary retirement contributions.
 (3) The debtor should contact the C.A.A.V. to find out the dinar equivalent to be paid to that agency.

ANNEX III

FRENCH-ALGERIAN PROTOCOL OF 6 MAY 1972

ANNUAL LIST OF TRANSFERS

Drawn up by (designation of the competent Algerian agency)
 Reference no. of this list
Important: This list shall be sent at the start of each calendar year, in duplicate, to the
 Migrant Workers' Social Security Centre.
 Designation of the credit or French institution
 Address Year 197

<i>Reference number</i>	<i>Identification number</i>	<i>Surname, first names (or name of firm)</i>	<i>Address of debtor</i>	<i>Amount of contributions received (in francs)</i>	<i>For the period</i>	<i>Comments</i>

This list is in the amount of F on 19
 Stamp of the Algerian agency Signature of the representative of the Algerian agency