No. 21959

SPAIN
and
MOROCCO

Social Security Agreement. Signed at Madrid on 8 November 1979

Authentic texts: Spanish and Arabic.

Registered by Spain on 27 June 1983.

ESPAGNE
et
MAROC

Convention de sécurité sociale. Signée à Madrid le 8 novembre 1979

Textes authentiques : espagnol et arabe.

Enregistrée par l'Espagne le 27 juin 1983.

[TRANSLATION — TRADUCTION]

SOCIAL SECURITY AGREEMENT[1] BETWEEN SPAIN AND THE KINGDOM OF MOROCCO

The Government of Spain and the Government of the Kingdom of Morocco,

Being resolved to co-operate in the social field,

Affirming the principle of equal treatment for nationals of the two countries under the social security legislation of each country,

Desiring to ensure a better guarantee of such rights as may have been acquired by workers of each of the two countries who engage or have engaged in a gainful occupation in the other country,

Have decided to conclude an agreement for the purpose of co-ordinating the application of the legislation of Spain and of the Kingdom of Morocco to nationals of the two countries.

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

TITLE I. GENERAL PROVISIONS

Article 1. 1. For the purposes of this Agreement:

(1) "Legislation" means the laws, regulations and other provisions specified in article 2 which are in force in the territory of each Contracting Party;

(2) "Competent authority" means, in the case of Spain, the Ministry of Health and Social Security and, in the case of Morocco, the Ministry of Labour and Vocational Training;

(3) "Competent institution" means the body authorized to deal with each case in accordance with the applicable legislation;

(4) "Liaison body" means the institution responsible for identification, referral and information activities between the administering agencies of the Contracting Parties for the purpose of facilitating implementation of the Agreement, and for the provision of information to the persons concerned on their rights and obligations under the Agreement;

(5) "Members of the family" means persons defined as such and those considered equivalent under the applicable legislation;

(6) "Worker" means, in the case of the Spanish State, any person who, as a result of performing or having performed an activity either for himself or for an employer, is subject to the legislation mentioned in article 2, paragraph 1, and, in the case of the Kingdom of Morocco, an employed person or his equivalent;

(7) "Residence" means the legally established habitual residence;

(8) "Stay" means temporary residence;

(9) "Insurance period" means a contribution period and an equivalent period;

(10) "Contribution period" means a period for which contributions to cover the corresponding benefits have been paid or are treated as having been paid under the legislation of either Contracting Party;

[1] Came into force on 1 October 1982, i.e., the first day of the second month following the month of the exchange of the instruments of ratification, which took place at Rabat on 4 August 1982, in accordance with article 47.

(11) "Equivalent period" means a period regarded as equivalent to a contribution period under the legislation of either Contracting Party;

(12) "Employment period" means any period defined as such by the legislation under which it was completed, and any other period considered to be equivalent to an employment period under that legislation;

(13) "Pension, allowance, annuity, compensation" mean the cash benefits designated as such by the applicable legislation, including payments made from public funds and all supplements and increments specified in that legislation, as well as lump-sum benefits in lieu of pensions or annuities;

(14) "Sickness benefits" means cash benefits for temporary incapacity for work by reason of ordinary illness and non-industrial accident;

(15) "Health care" means the provision of medical and pharmaceutical services for the maintenance or restoration of health in cases of ordinary or occupational disease, any accident, whatever its cause, pregnancy, childbirth and puerperalism;

(16) "Contracting Parties" means the Spanish State and the Kingdom of Morocco.

2. Any other expressions and terms used in the Agreement have the meanings assigned to them in the pertinent legislation.

Article 2. 1. This Agreement shall apply:

A. In Spain:

(1) To the legal provisions governing the general social security system with respect to:

(*a*) Maternity, ordinary or occupational disease, temporary incapacity for work and accidents, whether industrial or otherwise;
(*b*) Temporary or permanent invalidity;
(*c*) Old age;
(*d*) Death or survival;
(*e*) Family protection;
(*f*) Retraining and rehabilitation of invalids;
(*g*) Social assistance and social services.

(2) To the legal provisions governing the following special systems, in connection with the contingencies mentioned in subparagraph A (1):

(*a*) Agricultural workers;
(*b*) Seamen;
(*c*) Coal-miners;
(*d*) Railway workers;
(*e*) Domestic workers;
(*f*) Independent or self-employed workers;
(*g*) Commercial travellers;
(*h*) Students;
(*i*) Artists;
(*j*) Authors of books;
(*k*) Bullfighters;

B. In Morocco:

(*a*) To the legislation governing the social security system;
(*b*) To the legislation governing industrial accidents and occupational diseases;

(*c*) To the legislative, regulatory or statutory provisions laid down by the public authorities with respect to particular social security systems in so far as they apply to employed persons or their equivalent and relate to the risks and benefits covered by the legislation governing social security systems.

2. Subject to the provisions of paragraph 3 of this article, the Agreement shall also apply to any legal provisions which consolidate, amend or supplement the provisions specified in paragraph 1.

3. This Agreement shall apply:

(*a*) To the legal provisions relating to a new branch of social security, if the two Contracting Parties agree to establish such a branch;

(*b*) To the legal provisions extending existing rights to new groups of individuals, provided that neither Contracting Party has informed the other Party of any objection thereto within three months of having received the information provided for in article 34.

Article 3. The rules laid down in this Agreement shall apply:

1. To Spanish or Moroccan workers who are or have been subject to the social security legislation of one or both Contracting Parties, as well as to members of their families and their survivors;
2. To individuals, members of their families and their survivors who have the legal status of stateless persons under article 1 of the New York Convention of 28 September 1954,[1] or of refugees within the meaning of article 1 of the Geneva Convention of 28 July 1951[2] and of article 1 of the Protocol relating to the Status of Refugees of 31 January 1967,[3] and are or have been subject to the social security legislation of one or both Contracting Parties.

Article 4. The persons referred to in the preceding article shall be subject to the legislation provided for in article 2 of this Agreement on the same conditions as nationals of either Contracting Party.

Article 5. If a person is gainfully employed, his liability to contribute to the social security system shall be determined by the legislation of the Contracting Party in whose territory he is employed, and a worker employed in the territory of one Party shall be subject to the legislation of that Party.

Article 6. 1. The principle expressed in article 5 of this Agreement shall be subject to the following exceptions:

(*a*) Where a worker employed by an enterprise which has in the territory of one of the Parties an establishment on which it habitually depends is seconded by that enterprise to the territory of the other Party in order to carry out work there on behalf of that enterprise, he shall be subject to the legislation of the first Party as if he were continuing to work in its territory, provided that the said worker has not been sent to replace another worker who has completed his tour of duty and that the probable duration of the work he is to carry out does not exceed three years. The competent authority of the Contracting Party in whose territory the work is carried out shall determine the duration of the secondment within the limits of the specified period.

(*b*) The itinerant personnel of transport enterprises who carry on their activity in the territories of both Contracting Parties shall be subject only to the legislation of that Party in whose territory the enterprise has its main office.

[1] See "Convention relating to the Status of Stateless Persons", United Nations, *Treaty Series*, vol. 360, p. 117.
[2] See "Convention relating to the Status of Refugees", *ibid.*, vol. 189, p. 137.
[3] *Ibid.*, vol. 606, p. 267.

(*c*) Career members of the diplomatic or consular service and officials or individuals employed in the public administration of one Contracting Party who are sent to the territory of the other Party shall continue to be subject to the legislation of the sending Party.

(*d*) Workers employed by a diplomatic mission or in the private employ of an official of that mission who are nationals of the Contracting Party represented by the mission may opt within three months of the date of commencing their work or of the date of entry into force of this Agreement to be subject to the legislation of the State represented.

(*e*) The crew of a ship sailing under the flag of a Contracting Party shall be subject to the legislation of that Party.

Individuals who are employed in a port of one Contracting Party on board a ship sailing under the flag of the other Party for purposes such as loading, unloading or repairing or for the inspection of such work shall be subject to the legislation of the Contracting Party in whose territory the port is situated.

2. The competent authorities of the two Contracting Parties may by mutual agreement establish exceptions to the rules set forth in articles 5 and 6 of this Agreement.

Article 7. 1. The pensions, allowances, annuities and compensation received by virtue of the legislation of one Contracting Party shall not be subject to any reduction, modification, suspension, withholding or taxation by reason of the fact that the beneficiary resides in the territory of the other Party.

2. Social security benefits due from one Contracting Party shall be paid to nationals of the other Party residing in a third country on the same conditions and to the same extent as to nationals of the first Party residing in that third country.

Article 8. For the purposes of the acquisition, maintenance or recovery of rights provided for in this Agreement, where a worker has been subject to the legislation of both contracting countries, the insurance periods completed under such legislation shall be aggregated, provided that they do not overlap, and subject to the following rules:

First. Where a period of compulsory contribution completed in one of the contracting countries coincides with a period of voluntary contribution credited in the other country, the latter period shall not be aggregated.

Second. Where a period of compulsory or voluntary contribution completed in one of the contracting countries coincides with an equivalent period credited in the other country, only the period of contribution shall be taken into consideration.

Third. If two periods of voluntary contribution which were completed, respectively, in each contracting country coincide, only the one corresponding to the legislation under which a previous compulsory insurance period has been reported shall be aggregated.

Where compulsory insurance periods have been reported in both contracting countries, the voluntary insurance period to be aggregated from among concurrent periods shall be the one completed under the same legislation which governed the compulsory insurance period nearest in time to that voluntary period.

Where no previous compulsory contribution periods have been reported in either contracting country, the voluntary contribution period to be aggregated from among concurrent periods shall be the one completed under the legislation under which a compulsory contribution period is first completed following that voluntary period.

Fourth. If two equivalent periods which were completed, respectively, in each contracting country coincide, only the one credited in the country under whose legislation a contribution period was previously completed shall be aggregated.

Where previous contribution periods have been reported in both contracting countries, the equivalent period to be aggregated from among concurrent periods shall be the one

completed under the same legislation which governed the insurance period nearest in time to that equivalent period.

Where no previous contribution periods have been reported in either contracting country, the equivalent period to be aggregated from among concurrent periods shall be the one completed under the legislation under which a contribution period is first completed following that equivalent period.

Fifth. Where it is impossible, under Spanish legislation, to determine when certain insurance periods were completed under that legislation, it shall be assumed that such periods do not overlap with insurance periods completed under Moroccan legislation.

TITLE II. SPECIAL PROVISIONS

Chapter I. SICKNESS AND MATERNITY

Article 9. Workers who move from the territory of one Contracting Party to the territory of the other in order to carry out paid work or its equivalent shall, together with members of their families accompanying them, be entitled to sickness and maternity insurance benefits provided that they satisfy the requirements imposed by the legislation of the latter Party, which shall, where appropriate, take into account the insurance periods or equivalent periods completed under the legislation of the first-mentioned Party.

Article 10. If, in the case specified in article 9, such workers do not meet the conditions mentioned in that article but are nevertheless entitled to benefits under the legislation of the Contracting Party under which they were previously covered or could acquire such entitlement if they continued to reside in the territory of that Party, they shall be entitled to benefits paid by the competent institution of that Party.

Article 11. In the event that application of the provisions of article 9 gives rise to an entitlement to maternity benefits in both Contracting Parties, the said benefits shall be paid only by the competent institution of the Contracting Party in whose territory the birth takes place.

Article 12. Workers employed in the territory of one Contracting Party shall be entitled to sickness and maternity benefits when their condition requires immediate medical care, including hospitalization, during a temporary stay in their country of origin in connection with a paid vacation or an authorized period of absence. Such benefits shall be paid by the institution of the country of employment.

Article 13. Workers who are receiving sickness or maternity benefits paid by the competent institution of the Contracting Party in whose territory they are employed shall remain entitled to receive such benefits from the said institution when they move to the territory of the other Contracting Party, subject to prior authorization by the institution.

Article 14. The provisions of articles 10, 12 and 13 shall be applicable, by analogy, to those members of the worker's family who accompany him.

Article 15. Members of a worker's family who reside in the territory of the Contracting Party other than that in which the worker carries on his activity shall be entitled to receive health-care benefits in respect of sickness and maternity from the institution of the country of employment. Such benefits shall be paid by the institution of the place in which the family members reside, in accordance with the legislation applied by that institution with respect to the award and procedures for payment of such benefits.

Article 16. 1. Persons in receipt of a pension or annuity payable only under the legislation of one Contracting Party who reside in the territory of the other Party shall be entitled to sickness and maternity benefits, as shall members of their families, under the legislation of the Party which has the obligation to pay the pension or annuity, and to receive such benefits from the competent institution of that Party.

2. Persons in receipt of a pension or annuity from both Parties shall be entitled to sickness and maternity benefits under the legislation of the Party in whose territory they reside and to receive such benefits from that Party.

Chapter II. OLD AGE

Article 17. A worker who has been subject, successively or alternately, in the territory of both Contracting Parties, to one or more old-age insurance systems of each Party shall be entitled to benefits under the following conditions:

1. If the person concerned satisfies the requirements of the legislation of each Party for entitlement to benefits, the competent institution of each Contracting Party shall determine the level of benefits in accordance with the provisions of its applicable legislation, taking into account only such insurance periods as are completed under that legislation.

2. In the event that the person concerned does not satisfy the insurance period required under one or other national body of legislation, the benefits which he may be entitled to claim from the institutions which apply such legislation shall be paid in accordance with the following rules:

(*a*) Insurance periods completed under the legislation of each Contracting Party, together with periods recognized as equivalent, shall be aggregated provided that they do not overlap, for the purpose both of determining entitlement to benefits and of maintaining or recognizing such entitlement;

(*b*) Taking into account the aggregation of periods as mentioned above, the competent institution of each Party shall determine, in accordance with its national legislation, whether the person concerned satisfies the requirements for entitlement to an old-age pension under that legislation;

(*c*) If an entitlement to such pension arises, the competent institution of each Party shall determine the benefit to which the insured person would have been entitled if all the insurance periods or equivalent periods, aggregated in accordance with the rules set forth in paragraph 2 (*a*) of this article, had been completed exclusively under its national legislation;

(*d*) The benefit which is actually due to the person concerned from the competent institution of each Party shall be determined by prorating the level of benefit mentioned in the preceding subparagraph in accordance with the proportion which the length of such insurance periods or equivalent periods completed under its national legislation bears to the total length of periods completed under the legislation of the two Parties.

3. Where an entitlement arises under the legislation of only one Party, taking into account the periods completed under that legislation, the competent institution of that Party shall determine the level of benefit as specified in paragraph 1 of this article.

The competent institution of the other Party shall proceed to pay the benefit for which it is responsible under the conditions set forth in paragraph 2.

Article 18. 1. If the person concerned has completed, in accordance with the legal provisions of one Contracting Party, insurance periods totalling less than 12 months and if, in accordance with such provisions, he has not become entitled to any benefit, the institution of that Party shall not pay any benefit for that period. In such cases, the institution of the other Party shall not apply the provisions of article 17, paragraph 2 (*c*), for the purpose of calculating the benefit which it must pay and shall therefore consider the contribution period as its own.

This rule shall not be applied in the event that a worker does not complete an insurance period totalling over 12 months in either of the Contracting Parties.

2. Benefits approved under the rules in this chapter shall be revalued at the same intervals and, except in the cases for which provision is made in the two paragraphs which follow, in the same amount as the benefits specified in the respective national legislation.

Where the amount of the theoretical pension referred to in article 17, paragraphs 2 (*b*), (*c*) and (*d*), is less than that of the minimum pension established at any time by the legislation of the party that has recognized it, that minimum shall also serve as the basis for establishing the prorated pension.

The prorated pensions referred to in article 17, paragraphs 2 (*b*), (*c*) and (*d*), shall be brought up to date by each competent institution in accordance with its national legislation, but the amount of the revaluation shall be reduced by applying the *pro rata* rule referred to in that article.

Article 19. 1. If the legislation of one Contracting Party makes the award of certain improved benefits conditional upon the completion of insurance periods in an occupation which is subject to a special system or, where appropriate, in a specific occupation or post, the periods completed under the legislation of the other Contracting Party shall not be taken into account for the purpose of granting such benefits unless they were completed under a corresponding system or, failing that, in the same occupation or, where appropriate, in the same post.

2. If, taking into account the periods thus completed, the person concerned does not satisfy the requirements for entitlement to the benefits referred to, such periods shall be taken into account for the purpose of granting benefits under the general system.

Chapter III. INVALIDITY

Article 20. 1. Chapter II shall apply, by analogy, to such invalidity benefits as shall be granted under the provisions of this Agreement.

2. For the purpose of determining to what extent the capacity to work of the insured person has been impaired, the competent institutions of each Contracting country shall take into account the medical reports and administrative data sent to them by the institutions of the other country. However, each competent institution shall be entitled to refer the insured for examination by a physician of its choice.

Article 21. The invalidity pension shall be converted, where appropriate, into an old-age pension under the conditions provided for in the legislation under which such a pension would be granted; in such a case, the provisions of chapter II shall apply.

Chapter IV. SURVIVORS' BENEFITS

Article 22. Chapter II shall apply, by analogy, to such survivors' benefits as shall be granted under the provisions of this Agreement.

Article 23. A widow's pension in respect of a Moroccan worker shall, where appropriate, be subject to a final distribution in equal shares among those who are entitled to such benefit under Moroccan law.

Chapter V. DEATH BENEFITS

Article 24. 1. Death benefits shall be governed by the legislation that applied to the insured person on the date of death, as established in articles 2 to 6.

2. In cases of entitlement to benefit under the legislation of both Contracting Parties, recognition of such entitlement shall be governed by the legislation of the Party in whose territory the insured person was residing.

3. If the insured person resided in a third country, the applicable legislation, in the event that he was entitled to benefits under the legislation of both Contracting Parties, shall be that of the Party in whose territory the person was last insured.

Article 25. In the event that the insurance period required for entitlement to death benefits under the legislation of the Party of the new place of employment was not completed at the time of death, account shall be taken, for the purpose of supplementing the total of insurance periods completed under the legislation of that Party, of the insurance periods completed by the worker under the legislation of the other Party.

Chapter VI. INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 26. 1. Industrial accident benefits shall be governed by the legislation that applied to the worker on the date of the accident.

For the purpose of assessing the extent of permanent incapacity caused by an industrial accident under the legislation of a Party, any industrial accidents which occurred previously under the legislation of the other Party shall be considered as having occurred under the legislation of the first-mentioned Party.

2. The benefits due as a result of an occupational disease shall be determined in accordance with the legislation of the Contracting Party which applied to the worker at the time he was performing the activity involving a risk of occupational disease, even if such disease was first diagnosed in the territory of the other Contracting Party.

If a worker held a post involving a risk of occupational disease in the territories of both Contracting Parties, the pension due to him, where appropriate under applicable legislation, shall be determined by aggregating the insurance periods relating to the activity involving the same risk in the territories of both Parties and by prorating the total in accordance with the duration of such insurance periods in the territory of each Party.

Article 27. A worker who is the victim of an industrial accident or an occupational disease in the territory of one Contracting Party and is entitled to benefits during the period of his temporary incapacity shall retain his entitlement to such benefits when he transfers his residence to the territory of the other Party, subject to authorization by the competent institution.

Article 28. The legislation applied by a Contracting Party for the purpose of recognizing the initial right to benefits payable for industrial accident or occupational disease shall also be applicable in cases of an aggravated state of incapacity, even if the worker has transferred his residence to the territory of the other Contracting Party.

Article 29. Where the legislation of one Party makes the award of occupational disease benefits conditional upon the disease's first having been diagnosed in its territory, that condition shall be considered as having been fulfilled when the disease is first diagnosed in the territory of the other Party.

Article 30. If an occupational disease has given rise to the award of a benefit under the legislation of one Contracting Party, any aggravation of the disease which occurs in the territory of the other Contracting Party shall likewise be grounds for compensation under the legislation of the first-mentioned Party. However, this provision shall not apply if the aggravation may be ascribed to the performance in the territory of the other Party of an activity involving the risk of that disease.

The institution of the Party of the new place of residence shall be responsible for paying supplementary benefits in respect of the aggravation. The amount of the supplement shall therefore be determined in accordance with that Party's legislation as if the disease had been contracted in its own territory; such amount shall be equivalent to the difference between the amount of the benefit due following the aggravation and the amount of the benefit which would have been due before that event.

Chapter VII. FAMILY BENEFITS

Article 31. For the purpose of determining entitlement to family benefits due to workers in respect of children in their care, account shall be taken, where appropriate, of the insurance periods completed in both Contracting States.

Article 32. The family benefits due to a worker shall be determined in accordance with the legislation of the Contracting Party in whose territory that worker is employed.

Article 32 (bis). The conditions under which this chapter is to be applied shall be specified in an administrative agreement.

TITLE III. MISCELLANEOUS PROVISIONS

Article 33. 1. In determining the basis on which to calculate benefits, each competent institution shall apply its national legislation without under any circumstances taking into account wages or salaries received in the other Contracting State.

2. For the purpose of Spanish legislation, where all or part of the contribution period chosen by the applicant for the calculation of the basis governing his benefits was completed in the other Contracting State, the competent Spanish institution shall determine that basis by reference to the minimum wage prevailing during that period or to the basis chosen by the worker, if applicable, for the purpose of contribution.

In no case may the basis for calculating benefits for employed persons be lower than the average amount of the standard minimum wage prevailing during the period chosen.

Article 34. The competent authorities shall:

1. Establish such administrative and technical agreements as are necessary for the implementation of this Agreement;
2. Designate the liaison bodies of the two countries which are authorized to communicate directly with each other;
3. Exchange all information relating to measures taken for the implementation of this Agreement;
4. Exchange, at the earliest opportunity, all information concerning amendments to the legislation or rules of their country that may affect the implementation of this Agreement;
5. Establish, by mutual agreement, the means of carrying out medical and administrative checks, as well as the technical procedures for the implementation of this Agreement and of the social security legislation of the two Contracting Parties.

Article 35. For the purpose of implementing this Agreement, the competent authorities and institutions of both Parties shall provide their good offices and the necessary reciprocal technical and administrative collaboration, acting, for such purposes, as if they were applying their national legislation. This assistance shall be free of charge, except as expressly provided in the Administrative Agreement.

Article 36. 1. Where the legislation of one Contracting Party provides that documents to be submitted to the administrative authorities or competent institutions of that Party shall be exempt from administrative charges, legal dues, stamp duties and consular fees, this exemption shall apply to corresponding documents to be submitted, for the implementation of this Agreement, to the administrative authorities or competent institutions of the other Party.

2. Any legal deed, document or certificate to be submitted under this Agreement shall be exempt from legalization or authentication.

Article 37. 1. The authorities and institutions of the two Parties may contact each other and the persons concerned directly. They may also use the respective diplomatic channels.

2. Any legal deed, document or certificate which is sent, for the implementation of this Agreement, by beneficiaries under the said Agreement to the institutions, authorities and courts of either Party empowered to act in matters relating to social security shall be properly drawn up in the language of one of the Parties, or in French.

Article 38. 1. The claims, notices, appeals or other documents which must be submitted within a prescribed period to the authorities or institutions of one Party in order for its legislation to be applied shall be considered to have been submitted to them if they have been delivered to the corresponding authority or institution of the other Party within the same period. In this case, the latter authority or institution shall transmit the claims and appeals to the competent authority or institution without delay.

2. Any claim for a benefit submitted under the legislation of one Party shall be deemed, where appropriate, to be a claim for the corresponding benefit under the legislation of the other Party.

Article 39. 1. The competent institution may make an advance payment to the insured person while his claim is being processed.

2. The payment of this advance shall be discretionary and shall be based principally on the need of the person concerned, on evidence of his probable entitlement to the benefit requested and on the time it takes to process his claim before a final determination is made in the case.

3. Where an institution of a Contracting Party has made advance payments to a beneficiary, that institution or, at its request, the competent institution of the other Party, may deduct this advance payment from outstanding payments to be made to the beneficiary.

Article 40. The competent authorities shall have recourse to negotiations for the purpose of resolving any difference in the interpretation of this Agreement and the related administrative agreements that may arise between the institutions of the two Parties.

If the difference proves impossible to resolve through negotiations, it shall be submitted to a committee of arbitration whose composition and procedures shall be established by agreement between the Contracting Parties.

The decision of the committee of arbitration shall be considered binding and final.

Article 41. 1. Any insurance period or equivalent period completed under the legislation of one Party before the date of entry into force of this Agreement shall be taken into account for the purpose of determining entitlement to benefits which are payable in accordance with the provisions of this Agreement.

2. A benefit shall be due under this Agreement even if it relates to an occurrence prior to the date of entry into force of the Agreement. To that end, any benefit which has not been paid or has been suspended by reason of the nationality of the person concerned or his residence in the territory of one of the Parties shall, at his request, be paid or re-established with effect from the entry into force of this Agreement, provided that the entitlements which were previously paid did not give rise to a lump-sum settlement.

3. The entitlements of insured persons who have begun to receive pension or annuity payments prior to the entry into force of this Agreement may be revised if requested. Such revision shall have the effect of awarding the beneficiaries, with effect from the entry into force of this Agreement, the same entitlements as if the Agreement had been

in force at the time when such payments began. Any request for such revision shall be submitted within two years of the entry into force of this Agreement.

4. With respect to entitlements arising from the application of paragraphs 2 and 3 of this article, the provisions of the legislation of the two Contracting Parties relating to the expiry or lapse of such entitlements shall not be applicable if the request referred to in paragraphs 2 and 3 of this article is submitted within two years of the entry into force of this Agreement. If the request is submitted after this time-limit has elapsed, the unexpired or outstanding entitlement to benefits shall apply with effect from the date of the request unless more favourable treatment has already been applied.

Article 42. 1. For the purpose of acceptance for voluntary or optional insurance under the legislation of the Party in whose territory the person concerned resides, insurance periods completed under the legislation of the other Party shall be considered as insurance periods completed under the legislation of the first-mentioned Party.

2. The provisions of paragraph 1 of this article shall apply only to persons unable to benefit from compulsory insurance by reason of the legislation of the Party in whose territory they reside.

3. In any event, subsequent compulsory inclusion in a social security scheme established by either Party shall result in the termination of such voluntary insurance.

Article 43. 1. Payments made in application of this Agreement may be made in the currency of the country of the paying institution.

2. If either Contracting Party should promulgate restrictions on the transfer of foreign currency, the two Parties shall immediately take the necessary measures to guarantee that the entitlements under this Agreement remain in effect.

Article 44. For the purposes of Spanish legislation, a worker shall be considered as being entitled to the award of benefits in accordance with the principle of aggregation and *pro rata* payment provided for in article 17 when he is subject to the legislation of the other Contracting Party or is entitled to benefits paid by that Party.

Article 45. Where, under the legal provisions of one Contracting Party, the receipt of a social security benefit or of income of any other nature, the performance of any paid activity or registration for social security affects entitlement to a benefit, award of a benefit or compulsory inclusion or voluntary affiliation to a social security scheme, then any such situation shall be considered as entirely valid even if it occurs or occurred in the territory of the other Contracting Party.

TITLE IV. FINAL PROVISIONS

Article 46. 1. This Agreement shall be valid for a period of five years with effect from the date of its entry into force and shall be automatically extended for periods of one year, except in the case of denunciation, notice of which must be served six months prior to the expiry of that period.

2. In the event that the Agreement is denounced, its provisions and those of the administrative agreements provided for in article 34 shall apply to entitlements which have been acquired, and the said entitlements shall not be subject to any restrictive provisions which the Contracting Parties may see fit to establish with respect to cases of residence abroad.

Article 47. This Agreement shall be ratified. The instruments of ratification shall be exchanged at Rabat.

It shall enter into force on the first day of the second month following the month in which the instruments of ratification are exchanged.

IN WITNESS WHEREOF the authorized representatives of the two Contracting States sign this Agreement. Done at Madrid on 8 November 1979, in two written copies, in the Spanish and Arabic languages respectively, both texts being equally authentic.

For the Government
of Spain:
[*Signed*]
MARCELINO OREJA AGUIRRE
Minister for Foreign Affairs

For the Government
of the Kingdom of Morocco:
[*Signed*]
M'HAMED BOUCETTA
Minister of State
for Foreign Affairs and Co-operation