

**No. 23180**

---

**SWEDEN  
and  
MOROCCO**

**Convention on social security. Signed at Rabat on 4 January 1980**

*Authentic texts: Arabic, Swedish and French.  
Registered by Sweden on 11 December 1984.*

---

**SUÈDE  
et  
MAROC**

**Convention de sécurité sociale. Signée à Rabat le 4 janvier 1980**

*Textes authentiques : arabe, suédois et français.  
Enregistrée par la Suède le 11 décembre 1984.*

[TRANSLATION — TRADUCTION]

## CONVENTION<sup>1</sup> ON SOCIAL SECURITY BETWEEN THE KINGDOM OF SWEDEN AND THE KINGDOM OF MOROCCO

Desirous to regulate the relations between the two States in the field of social security, the Kingdom of Sweden and the Kingdom of Morocco have agreed to conclude the following Convention:

### TITLE I. GENERAL PROVISIONS

*Article 1.* For the purposes of this Convention,

1. "Morocco" means the Kingdom of Morocco and "Sweden", the Kingdom of Sweden;

2. "Legislation" means the legislative provisions and regulations specified in article 2;

3. "Competent authorities" means:

— In relation to Sweden, the Government or authority nominated by the Government;

— In relation to Morocco, to the Minister of Labour and Vocational Training;

4. "Insurance institution" means the body or authority responsible for the implementation of the legislation (or a portion thereof) specified in article 2;

5. "Competent insurance institution" means the insurance institution which is competent under the applicable legislation;

6. "Liaison body" means an institution to provide for liaison and the exchange of information between the insurance institutions of the two Contracting Parties with a view to simplifying the implementation of this Convention and informing the persons covered of their rights and obligations under the Convention;

7. "Member of the family" means a member of the family as defined by the legislation of the Contracting Party in whose territory the institution is located and by which the benefits are payable;

8. "Period of insurance" means contribution periods, periods of employment or other periods recognized as periods of insurance or comparable periods by the legislation under which they were completed, including calendar years for which under the Swedish social insurance scheme, pension points have been awarded for the purposes of supplementary pension on the basis of employment or of other economic activity during the year in question or a portion thereof;

9. "Cash benefit", "pension", "annuity" or "compensation" mean a cash benefit, pension, annuity or compensation under the applicable legislation, including all the constituent parts thereof which are financed out of a Public Fund, together with increases and supplements.

Other terms used in this Convention shall have the meaning which is given to them under the applicable legislation.

<sup>1</sup> Came into force on 1 June 1982, i.e., the first day of the second month following the exchange of the instruments of ratification, which took place at Stockholm on 21 April 1982, in accordance with article 34.

*Article 2.* 1. This Convention shall apply:

A. In relation to Morocco, to:

- (a) The legislation relating to the social security scheme;
- (b) The legislation relating to compensation for industrial accidents and occupational diseases;
- (c) Any 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 normally covered by social security schemes;

B. In relation to Sweden, to the legislation on:

- (a) Health insurance and parental insurance;
- (b) Basic pension;
- (c) Supplementary pension;
- (d) General family allowances;
- (e) Industrial accident and occupational diseases insurance;
- (f) Unemployment insurance and unemployment assistance.

2. Except where otherwise indicated by the provision in paragraph 4, this Convention shall also apply to legislation codifying, amending or supplementing the legislation specified in paragraph 1 of this article.

3. This Convention shall apply to legislation concerning a new system or a new branch of social security other than that specified in paragraph 1 of this article only if so agreed between the Contracting Parties.

4. This Convention shall apply to all legislation extending the application of the legislation specified in paragraph 1 of this article to new groups of beneficiaries, unless the competent authority in the State concerned notifies the competent authority in the other State, within three months from the date of the official publication of the new legislation, that no such extension of the Convention is intended.

*Article 3.* Unless otherwise provided in this Convention, the following persons who are resident in the territory of a Contracting Party shall be equated with citizens of that Contracting Party for the implementation of the Contracting Party's legislation:

- (a) Citizens of the other Contracting Party;
- (b) Refugees and stateless persons as defined by the Convention of 28 July 1951 Relating to the status of Refugees<sup>1</sup> and the Protocol of 31 January 1967<sup>2</sup> to that Convention, as well as by the Convention of 28 September 1954 relating to the Status of Stateless Persons;<sup>3</sup>
- (c) Other persons with regard to rights which they derive from those of a citizen of a Contracting Party or from a refugee or stateless person as stipulated in this article.

*Article 4.* Unless provided otherwise in this Convention, pensions and other cash benefits, apart from unemployment benefits, may not be reduced, modified,

<sup>1</sup> United Nations, *Treaty Series*, vol. 189, p. 137.

<sup>2</sup> *Ibid.*, vol. 606, p. 267.

<sup>3</sup> *Ibid.*, vol. 360, p. 117.

suspended or withdrawn on the grounds that the beneficiary resides in the territory of the other Contracting Party.

*Article 5.* Unless provided otherwise in this Convention, benefits payable by one of the Contracting Parties shall be paid to nationals of the other Contracting Party who are resident in the territory of a third State, on the same terms and at the same rate as for nationals of the first Contracting Party resident in such third State.

## TITLE II. PROVISIONS CONCERNING APPLICABLE LEGISLATION

*Article 6.* Unless provided otherwise in articles 7 and 8, the persons covered by this Convention shall be subject to:

- (1) Moroccan legislation if they are resident or employed in Morocco,
- (2) Swedish legislation if they are resident in Sweden or, as regards insurance for industrial injury and occupational diseases, if they are employed in Sweden.

*Article 7.* 1. If a person employed in the territory of a Contracting Party is assigned by his employer to perform work on behalf of the said employer in the territory of the other Contracting Party, he shall continue to be subject to the legislation of the former Party until the expiry of the thirty-sixth month after the date of his assignment, as if he were still employed in the territory of that Party.

2. Travelling personnel employed by railway or road traffic undertakings or by airlines and working in the territories of both Contracting Parties shall be subject to the legislation of the Contracting Party in whose territory the undertaking has its head office. If, however, the employee is resident in the territory of the other Contracting Party, the legislation of that Contracting Party shall apply.

3. The crew of a vessel and the other persons who are employed on board on a permanent basis shall be subject to the legislation of the Contracting Party whose flag the vessel is flying. During the stay of a vessel flying the flag of one Contracting Party in the territory of the other Contracting Party, the legislation of the latter Party shall apply to persons employed for the purpose of loading, unloading, repair work or guard duty on board the vessel.

4. An employee who is to be subject to Swedish law under the provisions of this article shall for such purposes be deemed resident in Sweden.

*Article 8.* 1. The provisions of this Convention shall not apply to diplomatic representatives and career consuls, technical and administrative personnel of missions and consulates led by career consuls, members of the service staff of diplomatic missions and consulates and persons employed exclusively in a private capacity in the households of diplomatic representatives, career consuls and members of consulates led by career consuls, in so far as such persons are covered by the Vienna Convention on Diplomatic Relations<sup>1</sup> and the Vienna Convention on Consular Relations,<sup>2</sup> respectively.

2. The provisions of paragraph 1 of article 7 shall apply to government employees other than those referred to in paragraph 1 of this article when they are posted to the territory of the Contracting Party.

<sup>1</sup> United Nations, *Treaty Series*, vol. 500, p. 95.

<sup>2</sup> *Ibid.*, vol. 596, p. 261.

*Article 9.* 1. At the joint request of employer and employee or at the request of a self-employed person, the competent authorities of the two Contracting Parties may agree on the exemption of certain persons or groups of persons from the provisions of articles 6 to 8. Even without such request, the competent authorities may agree on such exemption after consulting the persons concerned.

2. The provisions of article 7, paragraph 4, shall apply, *mutatis mutandis*, to cases referred to in this article.

### TITLE III. SPECIAL PROVISIONS

#### Chapter 1. *Sickness, maternity and childbirth*

*Article 10.* Periods of insurance completed in accordance with the legislation of both Contracting Parties shall, in so far as they do not overlap, be cumulative for the purposes of acquisition of entitlement to a benefit.

#### Chapter 2. *Old age, invalidity and survivors*

##### *Implementation of Moroccan legislation*

*Article 11.* In determining eligibility for old-age benefits under Moroccan legislation, only insurance periods completed in Morocco shall be taken into account.

*Article 12.* If, in accordance with Moroccan legislation, the applicant is not eligible for an old age pension exclusively on the basis of insurance periods completed in Morocco, those periods and any periods of residence in Sweden shall be added together, in so far as they do not overlap.

*Article 13.* If, the cumulative length of the periods provided for in article 12, renders the applicant eligible for an old age pension in accordance with Moroccan legislation, the primary amount of the pension shall be determined. The pension actually payable shall be in proportion to the periods of insurance completed in Morocco.

*Article 14.* No benefit shall be payable if the periods of insurance completed in Morocco add up to 312 days or less.

*Article 15.* The provisions of articles 11, 12, 13 and 14 shall apply, *mutatis mutandis*, to invalidity and survivor pensions.

##### *Implementation of the Swedish legislation*

###### *Basic pensions*

*Article 16.* 1. Moroccan nationals as well as the persons mentioned in article 3 (b) and (c), whether or not they reside in Sweden, who do not fulfil the requirements for entitlement to a basic pension in accordance with the applicable Swedish legislation, shall none the less be entitled to a basic pension calculated in accordance with the provisions applying to Swedish nationals residing abroad.

2. Invalidity benefits which are not awarded as supplements to the basic pension, care allowances for handicapped children, pension supplements and income-tested pension benefits shall be paid to the persons mentioned in paragraph 1, provided

that they are residing in Sweden, applying *mutatis mutandis* the rules set out in that paragraph.

*Article 17.* In order to fulfil the three-year condition set forth in chapter 5, article 3, second paragraph, of the Public Insurance Act, insurance periods completed in accordance with Moroccan legislation shall, if necessary, also be taken into account.

#### *Supplementary pensions*

*Article 18.* 1. When insurance periods have been completed under both the Swedish supplementary pension insurance scheme and the Moroccan pension insurance scheme, these periods shall be added together to the extent necessary for entitlement to a supplementary pension, in so far as they do not overlap. To that end, 312 days of insurance completed under the Moroccan pension insurance scheme will be considered as a calendar year for which pension points have been credited.

2. The amount of the supplementary pension shall be calculated exclusively on the basis of periods of insurance completed in accordance with Swedish legislation.

#### Chapter 3. *Industrial accidents and occupational diseases*

*Article 19.* 1. Entitlement to benefits in connection with an industrial accident shall be determined as stipulated in articles 6 to 9, in accordance with the legislation applicable to the beneficiary at the time of the accident.

2. Compensation for a subsequent industrial accident shall be proportional to the reduction of capacity to work caused by such accident and in accordance with the applicable legislation.

*Article 20.* 1. Benefits payable in connection with an occupational disease shall be determined according to the legislation of the Contracting Party which was applicable to the beneficiary at the time when he was engaged in the occupation exposing him to the risk of occupational disease, even if the disease was first diagnosed in the territory of the other Contracting Party.

2. If the beneficiary was engaged in such an occupation first in the territory of one Contracting Party and then in the territory of the other, a life annuity shall be paid to him under the legislation of both Contracting Parties. To this end, the insurance institutions shall pay an annuity which is in proportion to the length of employment periods completed in the territory of each of the Contracting Parties respectively.

3. If an occupational disease has occasioned the award of a benefit under the legislation of one Contracting Party, aggravation of the disease occurring in the territory of the other Contracting Party shall also occasion the payment of compensation in accordance with the legislation of the former Party. This provision shall not apply, however, if the aggravation is attributable to the exercise in the territory of the other Contracting Party of an occupation entailing exposure to a risk of the disease.

#### Chapter 4. *Family benefits*

*Article 21.* 1. Swedish nationals shall be entitled to family benefits in accordance with Moroccan legislation, provided that the family members are resident in Moroccan territory.

2. For the purposes of entitlement to family benefits according to Moroccan legislation, the periods of residence in Sweden shall, if necessary, be added to periods of insurance completed according to Moroccan legislation, in so far as such periods do not overlap.

3. A general children's allowance shall be payable, under Swedish legislation, with respect to a child of Moroccan nationality considered to be resident in Sweden under the same conditions as for children of Swedish nationality.

#### TITLE IV. MISCELLANEOUS PROVISIONS

*Article 22.* The competent authorities may agree on procedures for the implementation of this Convention. Furthermore, in order to facilitate the implementation of this Convention, they shall take all necessary steps to set up the requisite liaison bodies in their respective territories.

*Article 23.* 1. For the purposes of applying this Convention, the authorities and institutions of the Contracting Parties shall lend their good offices as though applying their own legislation. Such mutual administrative assistance shall be provided free of charge, unless otherwise specified.

2. The correspondence of authorities and institutions, as well as communications from individual persons may be in Arabic, Swedish, French or English.

3. Diplomatic and consular representatives may request information direct from authorities and institutions in the territory of the other Contracting Party in order to safeguard the interests of their nationals.

*Article 24.* The competent authorities shall inform each other immediately of any amendments to the legislation specified in article 2 of this Convention.

*Article 25.* The competent authorities shall inform each other of the measures taken to apply this Convention within their territories.

*Article 26.* Any exemption from stamp duty, or notarial or registration fees granted in respect of certificates and documents to be furnished to the authorities and institutions in the territory of one of the Contracting Parties shall also apply to certificates and documents which, for the purposes of this Convention, have to be furnished to authorities and institutions in the territory of the other Contracting Party. Certificates and documents required to be produced for purposes of this Convention shall be exempt from authentication by diplomatic and consular authorities.

*Article 27.* 1. Applications, appeals and other documents which, according to the legislation of one Contracting Party, have to be submitted to a competent authority or institution within a specified period shall be admissible if they are submitted within the same period to a corresponding authority or institution of the other Contracting Party.

2. An application for a benefit submitted under the legislation of one Contracting Party shall be considered as an application for the corresponding benefit under the legislation of the other Contracting Party. With respect to old-age pensions, however, this provision shall not apply if the applicant states that the application concerns only benefits under the legislation of the former Contracting Party.

*Article 28.* If a person, in accordance with his civil status at the time of his death, leaves more than one widow, the widow's pension paid under this Convention shall be equally divided among the beneficiaries on a permanent basis.

*Article 29.* 1. This Convention shall not affect the transitional provisions in Swedish legislation concerning the calculation of basic pension for persons born in 1929 or earlier, and the calculation of supplementary pensions for persons born in 1923 or earlier.

2. This Convention shall not affect the option of a Swedish legal person, in accordance with Swedish legislation, to enrol employees working outside Sweden in the Swedish supplementary pension scheme through a special declaration.

*Article 30.* The institutions of one Contracting Party which are liable to pay cash benefits to a beneficiary located in the other Contracting Party may validly discharge their liabilities in the currency of the latter Party.

*Article 31.* 1. Disputes arising in connection with the application of this Convention shall be settled by mutual agreement between the authorities.

2. Should an agreement fail to materialize, the dispute shall be submitted to arbitration, as defined by mutual agreement between the competent authorities. The arbitration shall take into account the spirit and letter of this Convention.

*Article 32.* 1. This Convention shall also apply to contingencies arising prior to its entry into force. However, no benefits shall be payable under this Convention with respect to a period prior to its entry into force, though periods of insurance or residence completed before the said entry into force shall be taken into account in the determination of benefits.

2. Any benefit which has not been awarded on account of the nationality of the person concerned or which has been withdrawn on account of his residence in the territory of the other Contracting Party shall, upon application, be awarded or resumed with effect from the date of entry into force of this Convention.

3. Upon application duly submitted, a benefit awarded prior to the entry into force of this Convention shall be recalculated in compliance with the provisions of the same. Such benefits may also be recalculated without any application having been made. This recalculation must not give rise to any reduction of the benefit paid.

4. The legislative provisions of the Contracting Parties concerning the lapse or termination of entitlements to benefits shall not apply to entitlements arising out of the provisions of paragraphs 1 and 3 of this article, provided, in all cases, that the beneficiary applies for the benefit within two years after the date of entry into force of this Convention.

*Article 33.* 1. This Convention is concluded for an indefinite period. It may be denounced by either of the two Contracting Parties. Notice of denunciation shall be given not less than three months before the expiry of the current calendar year, whereupon the Convention shall cease to be in force on the expiry of the calendar year in which it is denounced.

2. If the Convention is denounced, its provisions shall continue to apply to benefits which have already been acquired, notwithstanding any provision that may have been enacted in the legislation of the two Contracting Parties concerning restrictions of entitlements to benefits by virtue of nationality or residence in third



countries. Any entitlement to future benefits which may have been acquired by virtue of the Convention shall be restored by special arrangement.

*Article 34.* This Convention shall be ratified and the instruments of ratification shall be exchanged at Stockholm.

The Convention shall enter into force on the first day of the second month following the exchange of the instruments of ratification.

IN WITNESS WHEREOF, the undersigned, duly authorized by their respective Governments, have signed this Convention.

DONE in duplicate at Rabat on 4 January 1980, in Arabic, Swedish and French, each version being equally authentic.

For the Government of the Kingdom of Sweden:

KARIN SÖDER

For the Government of the Kingdom of Morocco:

MOHAMED ARSALANE EL JADIDI

---