

No. 27606

**FRANCE
and
ALGERIA**

**Exchange of letters constituting an agreement concerning the
pension scheme of clerks and employees in notaries'
offices. Algiers, 22 December 1985**

Authentic text: French.

Registered by France on 30 October 1990.

**FRANCE
et
AIGÉRIE**

**Échange de lettres constituant un accord relatif au régime de
retraite des clerks et employés de notaires. Alger, 22 dé-
cembre 1985**

Texte authentique : français.

Enregistré par la France le 30 octobre 1990.

[TRANSLATION — TRADUCTION]

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE GOVERNMENT OF THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA CONCERNING THE PENSION SCHEME OF CLERKS AND EMPLOYEES IN NOTARIES' OFFICES

I

EMBASSY OF FRANCE
ALGIERS

Sir,

As you know, the pension scheme of clerks and employees in notaries' offices instituted in the territory of metropolitan France by the Law of 12 July 1937 was extended by Decree No. 51-723 of 8 June 1951 to persons performing in Algeria, as their main occupation, the function of clerk or employee in notaries' offices and similar professional bodies.

Despite Algeria's accession to independence, management of the special pension scheme of clerks and employees in notaries' offices in Algeria continued to be operated temporarily by the competent French institution on the basis of the French regulations in force both before and after 1 July 1962.

Respect for the principle of the territoriality of social security legislation requires that an agreed solution should be sought.

I therefore have the honour to propose to you that the situation of the persons concerned should be settled as follows:

(1) With effect from 1 January 1966, the special pension scheme instituted by the aforesaid Law of 12 July 1937 and managed by the Caisse de Retraites et de Prévoyance des Clercs et Employés de Notaires, 16, rue de la Pépinière, Paris, shall cease to be applicable in Algeria.

(2) The French Caisse referred to in paragraph 1 shall, however, retain responsibility for:

(a) Acquired rights, corresponding to services performed in Algeria which can be proved by persons, irrespective of their nationality or place of residence, who are in receipt of or are likely to be in receipt of a pension awarded with effect from a date prior to 1 January 1966 under the aforementioned scheme or under the coordination regulations in force prior to that date;

(b) Rights in course of acquisition or to be acquired in the future in respect of services performed in Algeria prior to 1 January 1966 by persons of French nationality residing in France on that date.

¹ Came into force on 1 March 1990, i.e., the first day of the second month that followed the date of receipt of the last of the notifications (of 11 April 1986 and 7 January 1990) by which the Parties had informed each other of the completion of the required procedures, in accordance with the provisions of the said letters.

(3) The Algerian social security system shall assume responsibility for rights in course of acquisition or to be acquired in the future in respect of the French Caisse referred to in paragraph 1, corresponding to services performed in Algeria prior to 1 January 1966 by persons other than those referred to in paragraph 2 (b) above, irrespective of the nationality and place of residence of those concerned.

The Algerian Government shall take all necessary regulatory measures with a view to designating the Algerian institution or institutions responsible for validating services performed in Algeria by the persons referred to in the preceding paragraph and for fixing the rates of the benefits payable by such institution or institutions assuming liability. In the case of persons of French nationality, the rates of the benefits payable in respect of services performed in Algeria prior to 1 January 1966 shall not be lower than those payable by the French Caisse in respect of services of equal duration.

The case files of the persons referred to in this paragraph shall be transferred, under the supervision of the administrative authorities of the two countries, by the aforementioned Caisse de Retraites et de Prévoyance des Clercs et Employés de Notaires to the competent Algerian institution or institutions.

(4) The transfer of rights and obligations resulting from the implementation of this Agreement shall not give rise to any particular financial settlement between the French and Algerian Governments, nor between the French and Algerian institutions concerned.

(5) The Algerian Government undertakes, prior to 1 January 1986, to settle the arrears of contributions remaining payable to the French Caisse referred to in paragraph 1, in respect of the persons concerned who were employed in Algeria prior to 1 January 1966.

(6) The provisions of this Agreement shall apply by analogy to the rights of survivors.

(7) Any period of insurance completed before the date of the entry into force of this Agreement shall be taken into consideration in the determination of rights acquired in accordance with its provisions. Pensions shall take effect on the date of the entry into force of this Agreement and shall be paid or revised, taking into account the overall re-evaluations which occurred prior to that date.

(8) Each Party shall notify the other of the completion of the procedures required for the entry into force of this exchange of letters. The latter shall take effect on the first day of the second month following the date of receipt of the last such notification.

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

Accept, Sir, etc.

Algiers, 22 December 1985

[FRANÇOIS SCHEER]

Mrs. Zhor Ounissi
Minister of Social Security

II

MINISTRY OF SOCIAL SECURITY

Sir,

I have the honour to acknowledge receipt of your letter which reads as follows:

[See letter I]

In response, I have the honour to inform you that the terms of that letter have the support of my Government.

Accept, Sir, etc.

For the Minister of Social Security:

[Signed]

M. S. BABES
The Secretary-General

His Excellency Mr. François Scheer
Ambassador of the French Republic
