

N° 307.

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**ALLEMAGNE ET BELGIQUE**

Convention relative à l'exécution de  
l'article 312 du Traité de Ver-  
sailles, signée le 9 juillet 1920.

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**GERMANY AND BELGIUM**

Convention concerning the execution  
of Article 312 of the Treaty of  
Versailles, signed July 9, 1920.

No. 307. — CONVENTION<sup>1</sup> CONCLUE ENTRE LES GOUVERNEMENTS ALLEMAND ET BELGE RELATIVE A L'EXÉCUTION DE L'ARTICLE 312 DU TRAITÉ DE VERSAILLES, SIGNÉE LE 9 JUILLET 1920.

*Textes officiels allemand et français communiqués par le Consul d'Allemagne à Genève. L'enregistrement de cette Convention a eu lieu le 12 août 1922.*

*German and French official texts communicated by the German Consul at Geneva. The registration of this Convention took place August 12, 1922.*

TEXTE ALLEMAND. — GERMAN TEXT.

<sup>2</sup> AACHEN, den 4. Dezember 1920.

BRUXELLES, le 4 décembre 1920.

HERR SENATOR !

Nachdem wir am 9. Juli d. J. den von der Unterkommission zur Ausführung des Artikels 312 des Vertrags von Versailles ausgearbeiteten Entwurf eines Übereinkommens über die Ausführung dieses Artikels unterzeichnet haben, hat auch die Deutsche Regierung dem Übereinkommen zugestimmt. Sie hält indes eine Ratifikation zur Gewährleistung einer ordnungsmässigen Ausführung durch die zuständigen Behörden für zweckmässig. Ich beehre mich Ihnen zu bestätigen, dass wir mit Rücksicht hierauf über folgende Punkte übereingekommen sind :

1. Das Übereinkommen vom 9. Juli d. J. soll der Deutschen und der Belgischen Regierung zur Ratifizierung vorgelegt werden.

2. Der Austausch der Ratifikationsurkunden soll baldmöglichst zwischen den beiderseitigen Bevollmächtigten in Aachen erfolgen.

MONSIEUR LE BARON,

Le 9 juillet de cette année, nous avons adopté et signé le projet — au sujet de l'exécution de l'article 312 du Traité de Versailles — préparé par la Sous-Commission qui s'était occupée de cette question.

Le Gouvernement belge a accepté cet Accord ; en conséquence, mon Gouvernement considère qu'il est utile, pour garantir l'exécution de cet Accord par les autorités compétentes, qu'il fasse l'objet d'une ratification.

En conséquence de ce qui précède, j'ai l'honneur de vous confirmer que nous nous sommes mis d'accord sur les points suivants :

1. la Convention du 9 juillet sera soumise à la ratification des Gouvernements belge et allemand ;

2. l'échange des instruments de ratification aura lieu le plus tôt possible, entre les deux plénipotentiaires, à Aix ;

<sup>1</sup> L'échange des ratifications a eu lieu à Aix-la-Chapelle, le 12 novembre 1921.

<sup>2</sup> Le contenu de cette note étant identique à celui de la note de M. Halot de la même date, une traduction en français ne semble pas nécessaire.

<sup>1</sup> The exchange of ratifications took place at Aix-la-Chapelle, November 12, 1921.

<sup>2</sup> The contents of this note being uniform with that of M. Halot's note of the same date, a translation into French does not seem necessary.

<sup>1</sup> TRADUCTION. — TRANSLATION.

## No. 307. — CONVENTION CONCLUDED BETWEEN THE GERMAN AND BELGIAN GOVERNMENTS CONCERNING THE EXECUTION OF ARTICLE 312 OF THE TREATY OF VERSAILLES, SIGNED JULY 9, 1920.

<sup>2</sup> BRUSSELS, December 4, 1920.

YOUR EXCELLENCY,

On July 9 of this year, we adopted and signed the draft proposal regarding the execution of Article 312 of the Treaty of Versailles which had been drawn up by the Sub-Committee dealing with that question.

The Belgian Government has approved this agreement ; my Government therefore considers it desirable that it should be ratified in order to ensure its execution by the competent authorities.

In consequence of what I have already mentioned, I have the honour to confirm the fact that we have arrived at an agreement with regard to the following points :

(1) That the Convention of July 9 will be submitted for ratification to the Belgian and German Governments ;

(2) That the exchange of the instruments of ratification by the two Plenipotentiaries will take place as soon as possible at Aix ;

(3) That the agreement contained in the Convention will come into force on the day of ratification.

Two copies of this Convention are attached to the present letter.

I have the honour to be, etc.

(Signed) HALOT.

His Excellency  
Baron VON DALWIGK ZU LICHTENFELS,  
President of the Governing Commission,  
Aix-la-Chapelle.

## A. HEALTH INSURANCE.

*Article I.*

The cession of the Kreise of Eupen and Malmédy shall not in any way affect the legal, statutory or contractual obligations by which the various health insurance organisations situated within the Kreise are bound in respect of persons or of institutions established in Germany (members of insurance organisations, doctors, dentists, chemists, sick-funds, other insurance institutions, etc.).

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

<sup>2</sup> Le contenu de cette note étant identique à celui de la note du Baron von Dalwigk zu Lichtenfels de la même date, une traduction en anglais de celle-ci ne semble pas nécessaire.

<sup>1</sup> Translated by the Secretariat of the League of Nations.

<sup>2</sup> The contents of this note being uniform with that of Baron von Dalwigk zu Lichtenfels' note of the same date, a translation of the latter into English does not seem necessary.

The same shall hold good in the case of German health insurance organisations in respect of persons or institutions established in the Kreise of Eupen and Malmédy.

Measures taken by a health insurance organisation in contravention of the statutes or objects of the insurance shall be null and void.

*Article 2.*

Officials of the Prussian-Hessian railway system, employed on lines situated within the Kreise of Eupen and Malmédy, shall cease to be members of the railway health insurance organisation for the Cologne zone, from a date to be fixed by special agreement, on the basis of the negotiations entered into between the two railway administrations concerned. This date shall be at the latest the date of the final transfer of the Kreise of Eupen and Malmédy to the sovereignty of Belgium (Article 34 of the Treaty of Peace). Until such time, these officials shall continue to be insured in accordance with the provisional arrangements already drawn up, or to be drawn up, between the two countries concerned, and in either case in conformity with the existing regulations of the office of the organisation at Cologne. After the above-mentioned date, they shall no longer have any claims upon the railway health insurance organisation at Cologne.

*Article 3.*

The federated health insurance organisation (Verbandskrankenkasse) which covers the whole Prussian-Hessian railway system, shall not be considered as coming within the scope of Article 312 of the Treaty of Peace, as it is a private supplementary fund.

*Article 4.*

Post office officials employed in offices situated within the Kreise of Eupen and Malmédy, who belong to the postal health insurance organisation for the Aix-la-Chapelle administrative postal district, shall cease to be regarded as members of this organisation as from the date of the cession of the post-offices in question to Belgium, and shall from this date have no claim against it.

**B. INSURANCE AGAINST ACCIDENT.**

*Article 5.*

The Belgian Government shall take over the obligation to pay compensation in respect of accidents occurring from January 1, 1920, onwards, in respect of all undertakings or sections of undertakings in the Kreise of Eupen and Malmédy which have hitherto been insured with a German organisation. German insurance organisations shall no longer be entitled to receive premiums payable by these undertakings as from January 1, 1920.

The Belgian Government shall also take over the obligation to pay compensation in respect of accidents which occurred before January 1, 1920, in respect of the above-mentioned undertakings or sections of undertakings, and for this purpose shall receive from the industrial organisations in question four times the annual total — in the case of the Rhine province agricultural organisation, the annual total only — of the annuities payable as on January 1, 1920. No account shall be taken of payments supplementary to annuities.

*Article 6.*

The payments due from the directors of undertakings or sections of undertakings specified in Article 5 for the financial year 1919 shall be recoverable from the employers on the basis of

information to be furnished by the German insurance organisations, and for their account, by an authority to be appointed by the Belgian Government, as soon as the present arrangement shall come into force, and shall be placed to the credit of the German organisations.

*Article 7.*

The following items shall be deducted from the obligations of the German organisations as fixed by Article 5, paragraph 2 :

- (1) The premiums payable by directors of undertakings situated in the Kreise of Eupen and Malmédy for the financial year 1919 ;
- (2) Sums paid as compensation during the period subsequent to January 1, 1920, by German organisations which, in virtue of Article 5, were no longer bound to make such payments.

*Article 8.*

Payments in respect of accident insurance shall be granted, both :

- (a) By the German organisations, to any persons entitled to enforce claims against German insurance organisations, by reason of any accident occurring in a German undertaking, when such persons are resident within the Kreise of Eupen and Malmédy.
- (b) By the Belgian organisations, to any persons entitled to enforce claims against Belgium by reason of any accident occurring in an undertaking situated within the Kreise of Eupen and Malmédy, when these persons are resident in Germany.

For this purpose the nationality of the beneficiary shall not be taken into account. Instead of an annuity, a lump sum equal to three times the amount of such annuity may, however, be paid if the beneficiary consents thereto.

*Article 9.*

With a view to the settlement, in conformity with the present arrangement of accounts between the various accident insurance organisations, a liquidation office shall be set up by each of the contracting Parties. It shall be the duty of these liquidation offices to investigate all cases referred to them, and to fix the annuities transferred and the amounts to be paid over.

*Article 10.*

As regards accident insurance on the Prussian-Hessian railway system, the following provisions shall be applied :

- As from January 1, 1920, Belgium shall take over, together with those lines of the Prussian-Hessian system which are in the Kreise of Eupen and Malmédy, the obligation to pay, at her own expense and without indemnification, all compensation in respect of accidents which have occurred or may occur in the operation of these lines.
- A list shall be supplied to Belgium of persons in receipt of annuities on January 1, 1920, who before this date have been the victims of accidents occurring in the operation of the lines of railway specified in the first paragraph of this article ; all documents relating to these accidents shall also be handed over to her.

Similarly, and by an appropriate application of the arrangements laid down above, Belgium shall take over, as from January 1, 1920, the obligation to pay compensation to employees of the postal service for accidents which have occurred or may occur in the operation of the service in the ceded territory.

C. INSURANCE AGAINST DISABLEMENT AND FOR THE BENEFIT  
OF SURVIVING RELATIVES.

*Article 11.*

As regards persons entitled to an annuity on January 1, 1920, who were at that date resident within the Kreise of Eupen and Malmédy, Belgium shall take over, as from the said date, the responsibility for the payment of annuities granted by German insurance institutions or by any private insurance institution ("Sonderanstalt").

*Article 12.*

If any person in receipt of an annuity current on January 1, 1920, shall, between this date and the expiration of the third year following upon the final transfer of sovereignty to Belgium (articles 34 and 37 of the Treaty of Peace), transfer his domicile from one to the other of the two countries, the insurance institution appointed by the Government of the country in which his new domicile is situated shall be bound to continue the payment of the said annuity as from the commencement of the month following this change of domicile. After this period, the country in which the new domicile is situated shall not be bound to continue paying the annuity in the case of a transfer of domicile from one country to the other.

*Article 13.*

If the annuity has been paid by an insurance organisation which under the terms of Articles 11 and 12 was no longer bound to do so, any arrears due shall be refunded, without interest, by the insurance organisation which was under obligation to make the payment.

*Article 14.*

The insured person, or, if the insured person is deceased, the person claiming under him, shall not be entitled on account of premiums paid up to December 31, 1919, nor on the plea of circumstances equivalent to the payment of premiums, to lay claim to any payments arising out of the insurance except from the country where he was domiciled on January 1, 1920. For the purposes of the present regulation, the Kreise of Eupen and Malmédy shall be considered as Belgian territory as from January 1, 1920.

Each of the contracting States shall take all necessary steps to ensure that credit shall be duly given to all beneficiaries for those premiums and equivalents upon which the above-mentioned provisions prevent them from relying.

*Article 15.*

The distribution of assets shall be effected upon the basis of the assets possessed by the Rhine Province insurance institution, at the end of the financial year 1919.

The calculations — which probably will not have been completed before January 1920 — of the annuities and lump sums to be considered in this connection, shall be taken as being in order. The allocation shall be carried out on the basis of the proportion prevailing for the last ten years of peace between the premiums received within the Kreise of Eupen and Malmédy and those of the whole district covered by the Rhine Province insurance institution.

*Article 16.*

With a view to compensating for the charges that have fallen upon the country to which the domicile has been transferred subsequently to January 1, 1920, or which under the terms of Article 12, it may yet have to bear in the time stipulated in that article, a sum of 40 marks shall be credited for every person who has taken up his residence there (irrespective of whether he comes within the scheme of insurance or not, and without distinction as to age or sex), on condition that this sum does not exceed that obtained by dividing the assets to be handed over by the number of the inhabitants of the " Kreise ".

*Article 17.*

The arrangements agreed to by Articles 11 to 16 shall apply, *mutatis mutandis*, but without prejudice to the provisions of Article 28, to section A of the pensions organisation of the workmen of the Prussian-Hessian railways whose legal insurance against invalidity and death is effected by that fund under the provisions of the insurance code. The following modifications are to be made :

As regards persons insured with section A of the above organisation, the share of the assets to be handed over to the Belgian State (Article 15) shall be fixed by comparing the premiums paid by the railway servants of the Kreise Eupen and Malmédy, insured with section A, with the premium receipts for the whole area of this section during the last 10 years before the war.

Compensation for the charges referred to in Article 16 shall be effected in the following manner : There shall be calculated the average amount of that part of the assets of section A of the employees pensions organisation which is ceded to the Belgian State, which is attributable to each Prussian railway official and each recipient of an annuity resident in Eupen and Malmédy on January 1, 1920 and insured with section A or receiving an annuity from it. The average sum thus obtained shall in case of a transfer of domicile during the period falling between January 1 1920 and the expiry of the third year after the definitive transfer of sovereignty to the Belgian State (Article 34 of the Treaty of Peace) be paid by the country of the former domicile to that of the new domicile in respect of each insured person or recipient of an annuity who thus changes his domicile.

For the dates December 31 1919 and January 1 1920 which appear in Articles 11, 12 and 14, there shall be substituted the date fixed by article 2.

*Article 18.*

Section B of the Prussian-Hessian railway employees pensions organisation shall not be considered as coming within the scope of Article 312 of the Treaty of Peace as it is in the nature of a private supplementary fund.

## D. INSURANCE OF EMPLOYEES.

*Article 19.*

Employers in the Kreise Eupen and Malmédy shall draw up lists of those persons employed by them who come within the scheme of insurance using the form approved for this purpose by the Federal Council in accordance with paragraph 181 of the Employees' Insurance Act. They shall forward such lists together with the employees' insurance cards to the Imperial Employees' Insurance Institution (Reichsversicherungsanstalt für Angestellte).

*Article 20.*

On the basis of the lists sent to the insurance institution as required by Article 19 this institution shall draw up for each civil year a statement of the amount paid to it as premiums by the

employees shown in the lists. The premiums for each civil year shall carry interest at 3 ½ % from the year in question until January 1 1920. A similar account shall be made for the grand total of receipts, based upon the financial reports of the insurance institution. The accumulated resources of the insurance institution, as shown in the balance sheet of December 31, 1919, shall be divided in proportion to the two premium accounts thus compiled, and shall be paid by the insurance institution by cession of part of the assets, on the lines laid down by Articles 26 and 27, to the authority appointed by the Belgian Government, account being taken of premiums which may hereafter be paid to the said institution for the period subsequent to January 1, 1920.

*Article 21.*

The Belgian Government undertakes that the lists required under the terms of Article 19 shall be duly drawn up by employers and sent to the insurance institution, together with the employees' insurance cards. The Belgian Government shall have the right to examine the insurance cards in order to check the premium accounts and the calculations made by the insurance institution.

Retiring pensions and annuities liquidated previous to January 1, 1920, in favour of persons who were resident in the ceded territory on the appointed date, and who become Belgian nationals in virtue of Article 36 of the Treaty of Peace, shall be paid out of that part of the assets allocated to Belgium.

*Article 22.*

In the case of persons who between January 1, 1920, and the expiry of the third year after the final transfer of sovereignty to the Belgian State (Articles 34 and 37 of the Treaty of Peace), transfer their domicile from the Kreise of Eupen and Malmédy to Germany or from Germany to the Kreise, the total amount of the net insurance premiums paid for them on account of employment insurance up to the date of the change of domicile, *i. e.*, 87.55 per cent of the legal premiums together with interest at 3 ½ %, and after deducting amounts already paid out on account of current retiring indemnities or annuities, shall be paid to the Imperial Insurance Institution for Employees or to an authority designated by the Belgian Government, as the case may be.

With respect to premiums for the period prior to January 1, 1920, the Belgian Government shall only refund what has actually been paid to it on the basis of the abatement effected in accordance with Article 20.

E. GENERAL ARRANGEMENTS.

*Article 23.*

If the right to a social insurance indemnity has been definitely vested when the present Arrangement comes into force, and if, in accordance with the present Arrangement, Belgium has to assume the obligation in respect of reparation as from January 1, 1920, Belgium's liability to pay the indemnity also extends to the part of the indemnity payable for the period previous to January 1, 1920. This liability does not exist where the action is limited to the period previous to January 1, 1920.

*Article 24.*

Final rulings which have been given by insurance institutions or authorities at the time of the coming into force of the present Arrangement shall be recognised as binding on both Parties without further examination.



Those rights dealt with by the present Arrangement on which, on the day when it comes into force a final ruling has not been given, shall be settled in accordance with the laws and by the proper authorities of the country assuming the obligation to pay claim in virtue of the present Arrangement.

*Article 25.*

When necessary for the carrying out of the present Arrangement, documents relating to current annuities shall be mutually exchanged. This shall also be done in the case of receipt cards of insured persons who have changed their domicile from one country to another, or who make this change within the period laid down in Article 12. Furthermore, legal assistance shall be afforded by both parties with a view to carrying out the scheme of insurance, particularly as regards determining insurance payments and the steps to be taken regarding medical treatment.

*Article 26.*

The obligations to be fulfilled as regards Belgium in virtue of the present Arrangement shall not be carried out until Belgium has finally acquired sovereignty over the Kreise of Eupen and Malmédy. They may be carried out sooner. All amounts due shall bear interest at 3  $\frac{1}{2}$  % as from January 1, 1920.

The provisions of the first paragraph shall not apply to payments provided for by Article 13.

*Article 27.*

All cash payments and all accounts arising out of the present Arrangement shall be made out and settled in marks (German paper currency). Insurance institutions shall be authorised to make payments due by them by ceding parts of their assets and in particular, wherever possible, parts connected with the Kreise of Eupen and Malmédy. The bonds given in payment shall be deemed by lot and shall be valued at the purchase price.

*Article 28.*

As regards insured employees of the State railways in the Kreise of Eupen and Malmédy, the special temporary arrangements already made or to be made between the German and Belgian Governments shall remain in force until the date fixed by Article 2, in particular as regards the collecting of premiums, the payment of insurance grants, the settlement of rights and the method of liquidation. The Belgian State shall during this period bear all charges falling on the employer or the head of the concern in question.

As regards the pecuniary obligations to be discharged in respect of Belgium in accordance with the present Arrangement, the terms of Article 26 shall apply, except that payment of interest shall not commence until the termination of the temporary situation.

*Article 29.*

Any disputes which may arise in connection with the present arrangement between the contracting States shall be settled by an Arbitration Tribunal to which each of the two Governments shall delegate an equal number of representatives. The President of the Swiss Confederation shall be asked to appoint the president of this tribunal.