

N° 693.

**ALLEMAGNE ET COMMISSION
DE GOUVERNEMENT
DU BASSIN DE LA SARRE**

Arrangement relatif à l'application
des principes énoncés dans le
Protocole final du 3 juin 1921,
concernant les assurances sociales,
signé à Berlin le 31 mai, à Sarre-
bruck le 21 juillet 1923.

**GERMANY AND SAAR BASIN
GOVERNING COMMISSION**

Agreement regarding the application
of the Principles laid down in the
Final Protocol of June 3, 1921,
concerning Matters of Social In-
surance, signed at Berlin, May 31,
at Saarbruck, July 21, 1923.

TEXTE ALLEMAND. — GERMAN TEXT.

No. 693. — ABREDE BETREFFEND DIE AUSFÜHRUNG DER IN DEM SCHLUSSPROTOKOLL VOM 3. JUNI 1921 VORGEGEHENEN GRUNDSÄTZE ÜBER ANGELEGENHEITEN DER SOZIALVERSICHERUNG, GEZEICHNET ZU BERLIN AM 31. MAI, ZU SAARBRÜCKEN AM 21. JULI 1923.

Texte officiel allemand, communiqué par le Président de la Commission de Gouvernement du Bassin de la Sarre. L'enregistrement de cet Arrangement a eu lieu le 9 août 1924.

German official text, communicated by the Chairman of the Saar Basin Governing Commission. The registration of this Agreement took place August 9, 1924.

I. UNFALLVERSICHERUNG ¹.

A. EINLEITENDE BESTIMMUNGEN.

§ 1.

Die gewerbliche und die landwirtschaftliche Berufsgenossenschaft für das Saargebiet übernehmen vom 1. Januar 1922 ab die Befriedigung der Entschädigungsansprüche, die gegen Berufsgenossenschaften des deutschen Reiches aus Unfällen erwachsen sind, die sich in den Betrieben des Saargebiets ereignet haben. Zu übernehmen sind auch Entschädigungsansprüche, die nach dem 31. Dezember 1921 auf Grund des § 608 der Reichsversicherungsordnung aus einem vor dem 1. Januar 1922 eingetretenen Unfall geltend gemacht werden. Die Berufsgenossenschaften des deutschen Reichs werden von den entsprechenden Verpflichtungen frei.

§ 2.

Die Akten über diese Unfälle einschliesslich der am 31. Dezember 1921 schwebenden Sachen werden in dem Stande, in dem sie sich an diesem Tage befinden, von den Berufsgenossenschaften des deutschen Reichs den Berufsgenossenschaften des Saargebiets unmittelbar überwiesen. Ebenso werden die nachträglich zur Anmeldung gelangenden Ansprüche aus Unfällen überwiesen, die sich bis zum 31. Dezember 1921 ereignet haben. Ausserdem werden die Berufsgenossenschaften des deutschen Reichs den Berufsgenossenschaften des Saargebiets alle Schriftstücke unmittelbar zur Verfügung stellen, die für die Einrichtung und den Geschäftsbetrieb erforderlich sind.

¹ Entré en vigueur le 1^{er} janvier 1922.

¹ Entered into force January 1st 1922.

¹ TRANSLATION.

No. 693. — AGREEMENT BETWEEN GERMANY AND THE SAAR BASIN GOVERNING COMMISSION REGARDING THE APPLICATION OF THE PRINCIPLES LAID DOWN IN THE FINAL PROTOCOL OF JUNE 3, 1921, CONCERNING MATTERS OF SOCIAL INSURANCE, SIGNED AT BERLIN, MAY 31, AT SAARBRUCK JULY 21, 1923.

I. INSURANCE AGAINST ACCIDENTS.

A. INTRODUCTORY PROVISIONS.

Paragraph 1.

As from January 1, 1922, the Industrial Co-operative Association and the Agricultural Co-operative Association for the Saar Territory shall be responsible for paying claims for compensation against Co-operative Associations of the German Reich in respect of accidents which have occurred in works in the Saar Territory. They shall also assume responsibility for claims established after December 31, 1921, in virtue of paragraph 608 of the Reich Insurance Regulations (Reichsversicherungsordnung), in respect of accidents which occurred before January 1, 1922. Co-operative Associations in the German Reich shall be released from all responsibility in such cases.

Paragraph 2.

The documents concerning such accidents, including those concerning cases pending on December 31, 1921, shall be handed over by the Co-operative Associations in the German Reich direct to the Co-operative Associations in the Saar Territory, in the state in which they were on that date. Claims submitted after December 31, 1921, in respect of accidents which occurred on or before that date, shall likewise be handed over. Furthermore, the Co-operative Associations in the German Reich shall directly place at the disposal of the Co-operative Associations in the Saar Territory all documents required for the organisation and conduct of their business.

*Payment of Annuities by Post.**Paragraph 3.*

Should any person entitled to receive payment of an annuity from a Co-operative Association in the Saar Territory live outside that Territory in the German Reich, the said annuity shall be paid over through the intermediary of the competent post office in the German Reich; should any person entitled to receive payment of an annuity from a Co-operative Association in the German Reich live within the Saar Territory, the said annuity shall be paid over through the intermediary of the competent post office in the Saar Territory.

The insurers in the Saar Territory shall send the necessary orders for payment to the competent chief postal authorities in the German Reich; the Co-operative Associations in the German Reich shall send such orders to the chief postal authorities in the Saar Territory.

¹ Translated by the Secretariat of the League of Nations.

Paragraph 4.

In order that there may be no interruption in the paying over of the annuities transferred, such annuities shall be provisionally paid by the post office competent in the place where the persons entitled thereto reside, on the basis of the orders for payment of the Co-operative Associations transferring these annuities, as these orders stand on January 1, 1922. The Co-operative Associations making the transfer shall notify the chief postal authorities in the Saar Territory which of the annuities for which orders for payment have been issued shall still be charged to their account after January 1, 1922.

When a Co-operative Association in the Saar Territory has to take over annuities to which persons living outside the Saar Territory are entitled, it shall inform the competent chief postal authorities in the German Reich that, as from January 1, 1922, such annuities will be a charge upon the said Association.

Co-operation of Insurance Offices of both Parties.

Paragraph 5.

Insurers may apply directly to insurance offices of either Party for explanations in regard to insurance matters, decisions in regard to objections, expert opinions and similar matters in accordance with paragraphs 1572, 1584, 1591, 1601 and 1612 of the German Insurance Regulations.

B. DIVISION OF FUNDS.

(a) *General.*

Paragraph 6.

Annuity charges in the sense of the following provisions shall be understood to mean the total annual amount of all annuities, exclusive of additional allowances payable in respect of accidents which occurred before January 1, 1922, in works in the Saar Territory, as paid on January 1, 1922, or only definitely fixed subsequent to that date.

Before fixing the amount of the latter annuities, the Co-operative Associations in the Saar Territory shall transmit the documents for opinion to the Co-operative Associations in the German Reich which had hitherto been competent.

(b) *Industrial Co-operative Associations, apart from Co-operative Associations which have adopted the Capitalisation System.*

Paragraph 7.

The Co-operative Associations of the German Reich concerned, including the "Südwestdeutsche Eisenberufsgenossenschaft", shall, for the purpose of the settlement of claims under paragraph 644 of the German Insurance Regulations, pay over to the Industrial Co-operative Association for the Saar Territory four times the amount of the annuity charges. Of this sum, three-quarters shall constitute a corresponding part of the reserve and the remaining quarter a corresponding part of the other funds.

Paragraph 8.

The Co-operative Associations of the German Reich shall be entitled to transfer the sum to be devoted to the reserve in the form of securities belonging to their own reserves, up to an amount corresponding to the fraction constituted by securities in the total reserves of the association making

the transfer. Securities thus transferred shall be accepted at their purchase price. Any balance of the three-quarters assigned to the reserve, as well as the remaining quarter of the annuity charges, shall be paid in cash.

Effects belonging to the reserve shall be assessed as in the balance-sheet for the financial year 1920.

(c) *Co-operative Associations which have adopted the Capitalisation System.*

Paragraph 9.

The division of the funds of the "Tiefbau Berufsgenossenschaft" ("Tiefbau" Co-operative Association) and all Co-operative Associations and branches which provide the sums required for compensation by the capitalisation procedure shall be based upon the capital value of the annuities transferred. The capital value shall be calculated in accordance with the tariff for January 1, 1922, annexed to the Notice of the German Insurance Office of February 5, 1894 (Official Notices of the Reich Insurance Office, p. 141 et seq.). For this purpose the calendar year 1921 shall be considered the financial year in the sense of the said tariff.

Paragraph 10.

As regards the method of payment, the provisions of paragraph 8 shall be applicable. For this purpose the capitalisation fund shall be regarded as the reserve fund.

(d) *Agricultural Co-operative Associations.*

Paragraph 11.

The reserve and assets (industrial stock and postal advances—Postvorschuss) of the Düsseldorf and Speyer Agricultural Co-operative Associations shall be divided in the ratio in which the annuity charges for which the Saar Territory is liable stand to the total annuity charges of both Co-operative Associations.

As regards the method of payment, the rules laid down in paragraph 8 shall apply.

Paragraph 12.

The two Agricultural Co-operative Associations in the German Reich shall hand over, as soon as possible, to the Agricultural Co-operative Association in the Saar Territory the documentary material required for the division of the funds.

Paragraph 13.

The provisions of paragraphs 11 and 12 shall be applied, *mutatis mutandis*, for the division of funds between the Cassel Horticultural Association and the competent Co-operative Association in the Saar Territory.

(e) *Floating Debt.*

Paragraph 14.

The Industrial and Agricultural Co-operative Associations in the Saar Territory shall not take over any part of the floating debt (paragraph 779, German Insurance Regulations).

(f) *Procedure in regard to Division.*

Paragraph 15.

In accordance with the principles laid down above, there shall be an immediate division of funds as between the Co-operative Associations in the German Reich, on the one hand, and the Co-operative Associations in the Saar Territory, on the other. The results of the settlement shall be submitted to the Controlling Authorities for approval.

C. EXECUTIVE AUTHORITIES.

Paragraph 16.

The executive authorities already set up or which may be set up in the Saar Territory shall, without compensation, take over responsibility for damages in the case of all accidents which have occurred or may occur in works in the Saar Territory. The executive authorities hitherto competent shall be released from their responsibilities. The date of the settlement of accounts for the authorities concerned shall be fixed by the provisions of the Final Protocol of June 3, 1921, concerning the financial settlement, and in the case of the Railway and Postal Administrations the date shall be April 1, 1920.

D. MISCELLANEOUS.

Paragraph 17.

In collecting the contributions for the year 1921, the Saar Basin Governing Commission shall give the Co-operative Associations of the German Reich legal assistance through the offices appointed by it, except in the case of contributions which are collected by the Co-operative Associations to cover the sums already paid or still owing to France in view of the division of social insurance funds in Alsace-Lorraine.

Paragraph 18.

The Co-operative Associations concerned shall arrange between themselves all matters regarding the allocation of charges in respect of retiring pensions due to employees of Co-operative Associations hitherto domiciled in the Saar Territory and regarding the safeguarding of reversions acquired up till now. They shall submit their agreements to the competent controlling authorities for approval.

Paragraph 19.

The foregoing provisions shall not apply to the division as between the Miners' Provident Co-operative Association, Sections I and VIII, and the Saar Miners' Provident Co-operative Associations or to the relations between those bodies. But paragraph 3, sub-paragraph 1, shall apply likewise to the Miners' Provident Co-operative Association.

II. DISABILITY INSURANCE AND LIFE INSURANCE.

A. INTRODUCTORY PROVISIONS.

Paragraph 20.

As from April 1, 1922, insurers in the Saar Territory shall be responsible for disability insurance and for life insurance in the Saar Territory. The bodies concerned are the State Insurance

Office for the Saar Territory, the Special Offices of the Saarbruck Miners' Provident Association and Superannuation Fund A of the Saar Railway Administration at Saarbruck.

Paragraph 21.

It is assumed in the following agreements that the regulations concerning the definition of the objects of insurance (paragraphs 1250 et seq., German Insurance Regulations) are the same in both territories.

Paragraph 22.

In order to allow insured persons freedom of movement, the weekly contributions paid to insurers in either territory shall be taken into account without discrimination in calculating the time when pensions and claims to reversions fall due.

B. FIXING OF AMOUNTS TO BE PAID.

(a) *Submission of Claims.*

Paragraph 23.

In accordance with paragraphs 1613 et seq. of the Reich Insurance Regulations, insurance officials of either territory shall be competent to receive claims for annuities.

The expert opinions of Insurance Offices, in accordance with paragraphs 1623 et seq. of the Reich Insurance Regulations, shall be mutually recognised by both Parties.

Paragraph 24.

Insurance Offices in the Saar Territory shall transmit the records of any cases dealt with by them, together with the expert opinion, through the Insurance Office for the Saar Territory, if an insurer in the German Reich is alone competent in the matter (paragraph 25, sub-paragraph 1).

Insurance Offices in the German Reich shall transmit the records of any cases dealt with by them, together with the opinion, through the Rhine Province State Insurance Office to the State Insurance Office of the Saar Territory, if the latter is alone competent in the matter (paragraph 25, sub-paragraph 2).

In the case of the Special Offices (Sonderanstalten) the offices (Dienststellen) competent according to their statutes shall take the place of the Insurance Offices.

(b) *Decisions of Insurers.*

Paragraph 25.

The Insurance Offices of the German Reich shall alone be competent, if the contribution cards of the claimant only bear insurance stamps of Offices of the German Reich.

The Insurance Office of the Saar Territory shall alone be competent if the contribution cards of the claimant only bear insurance stamps of that Office.

Paragraph 26.

Should the contribution cards of the claimant bear insurance stamps of both territories, the annuity shall be determined jointly. For such purpose the Offices of the German Reich shall be represented by the Rhine Province State Insurance Office, except where a Special Office (Sonderanstalt) is competent.

Paragraph 27.

The Insurance Office to which the claim is submitted shall forward the relevant documents to the Office in the other territory, together with a draft decision signed by it and complying with the provisions of paragraph 1631 of the Reich Insurance Regulations.

Within a month after the claim was first submitted, the second Office shall give its opinion on it, either endorsing the draft decision or submitting objections to it. Should the two Offices not be able to come to an agreement, the stricter of the two views shall be taken as a basis for decision. Should the Office concerned fail to give an opinion within the period laid down, the other Office shall be entitled to forward a copy of its decision, which the second Office shall be bound to endorse.

Paragraph 28.

The decision, when signed and endorsed by the two Offices, shall be notified direct to the applicant by the Office to which the claim was submitted.

C. CHANGES IN AND WITHDRAWAL OF ANNUITIES.

Paragraph 29.

The Offices concerned shall be severally competent to examine the question as to whether a person in receipt of an annuity is still entitled to receive it.

Paragraph 30.

Should changes in the circumstances of any person entitled to an annuity be proved or suspected, the Office in whose district such person resides shall institute the necessary inquiries.

It shall also institute such inquiries if so requested by the Office concerned.

Changes in annuities, arising from an increase or decrease in the number of children or orphans, shall be arranged for by the institution which is in possession of the relevant documents.

Paragraph 31.

As regards the further procedure for effecting changes in and the withdrawal of annuities, the provisions of paragraphs 23 to 28 concerning the procedure for determining the amount of annuities shall apply.

D. CONTRIBUTION CARDS AND STAMPS.

Paragraph 32.

As from April 1, 1922, the State Insurance Office for the Saar Territory shall issue its own contribution cards and stamps.

From that date onwards it shall call in the cards issued by the Offices in the German Reich, shall stamp upon them a note to the effect that it has taken over the insurance as from April 1, 1922, shall put its mark on all insurance stamps affixed for the period of October 1st, 1921, to March 31, 1922, and forward all the cards to the Office of origin in the German Reich.

Paragraph 33.

The contribution cards of the State Insurance Office for the Saar Territory shall be numbered with serial numbers beginning with 1; they shall contain a note stating to which place of origin contribution cards for amounts paid before April 1, 1922, have been forwarded.

Paragraph 34.

If an insured person moves from the Saar Territory into the territory of the German Government, the Office competent in his new place of residence shall provide him with a new contribution card, and upon this, and likewise upon the contribution card issued by the State Insurance Office for the Saar Territory, shall make the note required under paragraph 33, and shall return the last-named card to the State Insurance Office for the Saar Territory.

The provisions of the first sub-paragraph shall apply correspondingly if an insured person subsequently moves from the territory of the German Government into the Saar Territory.

Paragraph 35.

No German stamps shall be affixed to contribution cards of the State Insurance Office of the Saar Territory, nor shall stamps of the latter Office be affixed to German contribution cards.

E. PAYMENT OF CLAIMS BY POST.

Paragraph 36.

In the case of the payment of claims by post the rules laid down in paragraph 3 for insurance against accidents shall apply.

The orders for payment shall be endorsed by both Parties. Such orders shall mention what proportion of the annuities paid is to be borne by each territory.

F. DIVISION OF LIABILITIES.

(a) *Annuities for which an Order for Payment was issued before April 1, 1922.*

Paragraph 37.

As from April 1, 1922, annuities paid at post offices in the Saar Territory on that day shall be charged to insurers in the Saar Territory.

Of this sum, insurers in the German Reich shall refund the annuities, less the Reich subsidies, up to the amount at which they were assessed under the provisions of the Reich Insurance Regulations in force on November 11, 1918. The extra allowances for children shall be assessed on this basis, taking the Reich subsidy into account.

(b) *Annuities, Orders for the Payment of which were received after April 1, 1922.*

Paragraph 38.

Annuities, orders for the payment of which were received after April 1, 1922, at post offices in the Saar Territory shall be charged to insurers in the Saar Territory. Of such sums, insurers in the German Reich shall refund the following amounts, provided that they concern annuities for which contributions have not been paid to insurers in the German Reich after April 1, 1922.

1. *Invalidity Pensions.*

If the insured person has paid contributions for at least 500 weeks before April 1, 1922, the basic amount shall be assessed in accordance with the regulations of paragraph 1288 of the German Insurance Regulations, in force on November 11, 1918.

If less than 500 weeks' contributions have been paid, a smaller basic amount shall be assessed, that is to say, the weeks omitted shall not be included in the amount.

Insurers in the German Reich shall likewise refund part of the increases. This part shall be assessed according to the number of weeks' contributions and the provisions of paragraph 1289 of the German Insurance Regulations in force on November 11th, 1918.

The provisions of paragraph 37 shall also apply for the assessment of additional allowances for children.

2. Annuities to Surviving Dependents.

The proportion of annuities to dependents to be paid by insurers in the German Reich shall be determined in accordance with the provisions of paragraph 1292 of the German Insurance Regulations in force on November 11, 1918, on the basis of invalidity annuities to be assessed in accordance with paragraph 1.

3. Old Age Pensions.

In the case of old age pensions, the German insurers shall refund such share of the total amount as would have been payable by them under the provisions of paragraph 1293 of the German Insurance Regulations in force on November 11th, 1918, less the amount due for supplementary weeks (reduced old age pension).

Paragraph 39.

Periods of sickness which have to be taken into account shall be a charge upon the territory in which the sickness fund which has granted allowances for such sickness is situated. If this sickness fund cannot be determined, or if the insured person has not been a member of any such fund, that territory shall be responsible for payment in which such person was last employed, and compulsorily insured before the beginning of the sickness.

Paragraph 40.

When applying paragraphs 37 and 38, weekly contributions under Salary Class A, paid between October 1, 1921, and March 31, 1922, shall be treated like those of the former Class IV, and those of Classes B to H, like those of the former Class V, as they existed under paragraph 1392 of the German Insurance Regulations, on November 11, 1918.

Paragraph 41.

As regards annuities for which contributions were paid also after April 1, 1922, to Offices in the German Reich, rules shall be agreed upon at a later date. The necessary preparations and negotiations shall be instituted forthwith by the German Government and the Saar Basin Governing Commission.

(c) State Subsidies granted by the Reich.

Paragraph 42.

The State subsidies shall, in principle, be a charge upon the territory in which the person entitled to insurance resides.

Subject to the above, the rules laid down in the Final Protocol of June 3, 1921, concerning the financial settlement, shall apply for the settlement as between the two territories in regard to the State subsidies paid by the Reich between January 10, 1920, and March 31, 1922.

G. SETTLEMENT OF ACCOUNTS BETWEEN THE INSURERS IN THE CASE OF INVALIDITY INSURANCE AND THE INSURANCE OF SURVIVING DEPENDENTS IN THE GERMAN REICH AND THE SAAR TERRITORY.

Paragraph 43.

On April 1, 1922, insurers in the German Reich owe insurers in the Saar Territory the value of the insurance stamps sold between August 1, 1920, and March 31, 1922, by post offices in the Saar Territory and contributions received during that same period by the Special Offices (Sonderanstalten) concerned.

Paragraph 44.

On April 1, 1922, insurers in the Saar Territory owe the corresponding insurers in the German Reich :

(1) All contributions which would have fallen due, between August 1, 1920, and March 31, 1922, in the Saar Territory, if contributions had still been levied in accordance with the provisions of the German Insurance Regulations in force on November 11, 1918.

For this purpose, contributions received between October 1, 1921, and March 31, 1922, under Salary Class A shall be treated like those of Salary Class IV and contributions under Salary Classes B to H like those of Class V.

(2) Bonuses, subsidies and increases in annuities paid in the Saar Territory between July 1, 1920, and March 31, 1922.

(3) The value of bonuses paid between January 1, 1919, and June 30, 1920.

(4) A share of the expenditure incurred by insurers of the German Reich in the Saar Territory in connection with administration and medical treatment. This shall be fixed :

(a) For the State Insurance Office for the Saar Territory at	42 %
(b) For the Railways Special Office for the settlement with the Workers' Pension Fund :	
I. for the Reich Railways at	25 %
for the settlement with the Workers' Pension Fund ;	
II: for the Reich Railways at	20 %
of the total contributions mentioned in sub-paragraph 1.	

Paragraph 45.

The insurers in the Saar Territory and the German Reich shall get into direct touch with one another as soon as possible in order to proceed with the settlement in accordance with the foregoing rules.

Any agreements and decisions arrived at shall require the approval of the controlling authorities in both Territories.

H. MISCELLANEOUS.

Paragraph 46.

Any agreements concluded in regard to invalidity insurance shall likewise apply *mutatis mutandis* to the Special Offices of either territory, and more especially to the Special Office for employees of the Saar Railway Administration at Saarbruck, on the one hand, and the Workers' Pension Funds I and II for the Reich Railways, on the other.

Paragraph 47.

Insurers in the German Reich shall, on request, forward to insurers in the Saar Territory the relevant documents concerning persons in receipt of pensions who are resident in the Saar Territory. The insurers in the Saar Territory shall take from these documents such information as they require for the conduct of their business and shall then return them.

The insurers in both territories shall enter into direct negotiations with a view to the execution of this provision.

III. RELATIONS WITH POST OFFICES.

Paragraph 48.

Notwithstanding the provisions of paragraph 3, sub-paragraph 2, the provisions hitherto in force shall apply, as regards both parties, to the payment, refunding, orders for payment and discontinuance of annuities through the post offices.

Paragraph 49.

Insurers in the Saar Territory shall indicate by means of some special sign (letter or serial number) that their orders for payment are from the Saar Territory and shall further show, in some similar way, whether only insurers in the Saar Territory are concerned in the payment or whether insurers in the German Reich are also responsible.

Paragraph 50.

The insurers in both territories shall each make their Postal Administration an advance which shall also cover the estimated payments for which the insurers in the other territory will subsequently be liable.

Paragraph 51.

The provisions of the Post and Telegraph Regulations shall apply, for both Parties, in regard to the forwarding of the monthly statistical information and the settlement of accounts between the Chief Postal Administrations and the insurers. The correspondence exchanged in this connection shall pass through the Secretariat of the Saar Basin Governing Commission.

IV. MATERNITY BENEFIT.

Paragraph 52.

The refunding of maternity benefits to the Sickness Funds shall devolve upon the Government in whose territory the Sickness Funds concerned have their head offices. The necessary executive provisions shall be notified by either side, as soon as possible, to the competent authorities.

The settlement of accounts in regard to maternity benefits refunded up to March 31, 1922, shall be carried out in accordance with the principles laid down in the Final Protocol of June 3, 1921.

V. HOSPITALS.

Paragraph 53.

In view of the fact that sanatoria and hospitals are used by both territories, either as the result of agreements concluded between such institutions and insurers in the German Reich or by reason of some other arrangement by which these institutions grant special facilities to social Insurance Offices, the insurers concerned shall get into touch with one another as soon as possible and shall inform the controlling authorities of any proposals which have been agreed upon.

Paragraph 54.

The Workers' Pension Fund I for the Reich State Railways is prepared to admit workers insured with the Special Office of the Railway Administration in the Saar Territory to the existing health institutions, so far as accommodation permits, on payment of expenses.

VI. MIXED JURISDICTION.

Paragraph 55.

A mixed jurisdiction shall be set up in accordance with the principles laid down in the Annex. Cases of disputes arising out of accidents which occurred after December 31, 1921, shall not be submitted to mixed jurisdiction. In such cases, the claim shall be decided by the Chief Insurance Office in whose district the works are situated where the accident occurred.

The above provisions shall apply to accidents of the kind mentioned in paragraph 16, the date December 31, 1921, being substituted for that of March 31, 1920.

VII. FINAL PROVISIONS.

A. LEGAL ASSISTANCE.

Paragraph 56.

The territory of the German Government and the Saar Territory shall give each other legal assistance in accordance with the provisions of paragraphs 115, 116, 117 of the Reich Insurance Regulations. Applications for the assistance of any authority shall be submitted through the Secretariat of the Governing Commission or the Reich Commissioner for the transfer of the Saar Territory.

B. TIME-LIMIT FOR LEGAL REMEDY.

Paragraph 57.

Applications for legal remedy in cases concerning the German Insurance Regulations shall also be considered to have been filed within the prescribed period in the one territory, if the application has been made in proper time to an insurance authority or organ in the other territory.

In such cases the application (Rechtsmittelschrift) shall be handed over forthwith to the competent office.

C. TRANSFER OF DOCUMENTS.

Paragraph 58.

All documents and records concerning matters of social insurance still pending, which concern the Saar Territory or the rights of its inhabitants, shall be forwarded by the authorities of the German Reich direct to the competent authorities in the Saar Territory.

Documents and records of the same nature concerning matters which have already been settled shall also, upon request, be forwarded direct to the competent authorities in the Saar Territory.

Paragraph 59.

It is agreed that any differences of opinion which may arise out of the above Agreement shall be settled in accordance with No. XVI of the Final Protocol of Berlin, of June 3, 1921.

Done in duplicate.

BERLIN, *May 31, 1923.*

SAARBRUCK, *July 21, 1923.*

(Signed) v. ROSENBERG.

(Signed) V. RAULT.

ANNEX.

AGREEMENT

BETWEEN THE GERMAN GOVERNMENT AND THE SAAR BASIN GOVERNING COMMISSION CONCERNING THE ESTABLISHMENT, COMPETENCE AND PROCEDURE OF A MIXED CHAMBER AND A MIXED SENATE FOR CASES CONCERNING SOCIAL INSURANCE, AND LIKEWISE OF A SUPREME MIXED COURT OF ARBITRATION FOR CASES CONCERNING MINERS' ASSOCIATIONS.

I. LEGAL PROCEDURE. MIXED CHAMBER.

Paragraph 1.

The Mixed Chamber shall take the place of the Court of Arbitration ordinarily competent :

I. In cases concerning insurance against accidents,

(1) In disputes arising out of accidents which have occurred in works affiliated to miners' associations in the Saar Territory and in which the German Miners' Co-operative Associations are responsible for compensation, if the claimant is resident in the Saar Territory ;

(2) In disputes arising out of accidents which have occurred before January 1, 1922, in works in the Saar Territory and in which, on or before December 31, 1921, a German Co-operative Association was responsible for compensation, if they concern payments for the time before January 1, 1922.

II. In cases relating to insurance against invalidity and life insurance, to which insurers in the German Reich and the Saar Territory are both parties ; insurers in the Saar Territory shall

also be held to be parties to those cases in which they are responsible for the payment of the annuities in question on or after April 1, 1922 ;

'III. In cases relating to miners' insurance to which miners' associations of the German Reich and the Saar Territory are both parties.

The Mixed Chamber shall likewise be competent in cases covered by paragraph 1614 in conjunction with paragraph 1640, paragraph 2, of the Reich Insurance Regulations, if an Insurance Office of the German Reich and an Insurance Office of the Saar Territory are both parties to the case. Its decisions shall be final and binding on courts of law.

Paragraph 2.

Cases of the nature described in paragraph 1 pending before a Chief Insurance Office, on the entry into force of the present Agreement, shall be transferred to the Mixed Chamber as they stand. They shall be transferred forthwith, together with all relevant documents, to the Office of the latter. If, on the entry into force of the present Agreement, the decision of the Chief Insurance Office has already been pronounced, the latter shall be responsible for notifying the parties concerned.

Paragraph 3.

The Mixed Chamber shall consist of three members and four assessors, including the President. The President of the Court of Arbitration of a Chief Insurance Office of the German Government and the President of the Court of Arbitration of a Chief Insurance Office of the Saar Basin Governing Commission shall act alternately as President. An additional member shall be appointed from among the members of the Chief Insurance Offices of the German Government and the Saar Basin Governing Commission respectively. Similarly, the President and members of the Mixed Miners' Chief Insurance Office shall be appointed from among persons experienced in matters of miners' insurance.

At the first session, the President of the Court of a Chief Insurance Office in the Saar Territory shall preside.

The Assessors shall be appointed from among Assessors selected in accordance with the provisions of the Reich Insurance Regulations and belonging to the Chief Insurance Office of the Saar Territory concerned, according to the nature of the case.

The registrar shall be appointed by the territory to which the President of the Mixed Chamber belongs.

Should special Chief Insurance Offices be set up in accordance with paragraph 63 of the Reich Insurance Regulations, the President and members of the Mixed Chamber shall be appointed from among the officials of such Offices.

Paragraph 4.

The Mixed Chamber shall sit in Saarbruck unless otherwise agreed upon in special cases.

The official language of the Mixed Chamber shall be German. The time-limit laid down for legal recourse shall, however, be considered to have been observed even if documents are submitted in a language other than German. The President of the Mixed Chamber shall have translations prepared of the applications submitted in languages other than German ; the costs may be collected from the party submitting the application.

Paragraph 5.

An Office for the Mixed Chamber shall be set up in Saarbruck by the Saar Basin Governing Commission, which shall bear the cost thereof. Applications for legal remedy shall be lodged with this Office. The time-limit laid down shall be held to have been observed if application has been

made in proper time to a German authority, an authority of the Saar Basin Governing Commission or an organ of the insurers. The application for legal remedy (Rechtsmittelschrift) shall be forwarded forthwith to the Office of the Mixed Chamber. The preparatory work in connection with applications for legal remedy (Rechtsmittelschrift) submitted shall devolve upon the President of the Chief Insurance Office which would be competent, according to the nature of the case, to give an award. He shall prepare the cases. He may take evidence before the hearing of the case.

Paragraph 6.

A special list shall be drawn up of cases to be submitted to Mixed Jurisdiction. Cases figuring under odd numbers on this list shall be conducted under the presidency of an official of the Saar Territory, those figuring under even numbers shall be conducted under that of an official of the German Reich.

A session shall be held at least once a quarter.

The President shall fix the date of the proceedings. He can appoint reporters (Berichterstatter) from among the members taking part in the session. No reporter appointed shall be from the same territory as the President. It shall be the duty of the reporter to present the report at the session and to draft the decisions to be given.

It shall be the duty of the Office to summon the parties and likewise the members and assessors, and to notify decisions.

Except where otherwise provided, the proceedings shall be governed by the provisions of the Reich Insurance Regulations and the Imperial Decree of December 24, 1911, concerning the conduct of affairs and procedure of Chief Insurance Offices (Imperial Legal Gazette, p. 1095), and in cases concerning miners' associations by the Regulations of the Prussian Court of Arbitration of December 8, 1913 (Legal Code, p. 403).

Paragraph 7.

The Saar Basin Governing Commission shall bear the costs of the Mixed Chamber, exclusive of the travelling expenses and maintenance allowances of those members present at the session who have been appointed by the German Government. For every case to which they are parties, the insurers shall pay to the office the lump sum of 80 marks.

II. PROCEDURE. MIXED SENATE, MIXED SUPREME COURT OF ARBITRATION FOR CASES CONCERNING MINERS' ASSOCIATIONS.

Paragraph 8.

Appeals against the decisions of the Mixed Chamber shall be decided by a Mixed Senate, and in cases concerning miners' associations by a Mixed Supreme Court of Arbitration.

The Mixed Senate shall decide appeals against decisions given by a Chief Insurance Office before the entry into force of this Agreement in cases of the kind described in paragraph 1. The Mixed Court of Arbitration shall decide appeals against such decisions in cases concerning miners' associations.

The admissibility of the appeal shall be determined in accordance with the provisions of the Reich Insurance Regulations and the laws governing miners' associations.

The Mixed Senate shall also be competent in cases coming under paragraphs 1706, 1736 and 1740 of the Reich Insurance Regulations, if insurers of the German Reich and the Saar Territory are both concerned in the proceedings.

Paragraph 9.

Proceedings pending, on the entry into force of this Agreement, before the Reich Insurance Office, the Bavarian State Insurance Office or the Saar Territory State Insurance Office, and in

which a Chief Insurance Office has given a decision in a case in which the Mixed Chamber would have been competent if this Agreement had already been in force at the time of the decision, shall be transferred, as they stand, to the Mixed Senate. The relevant documents shall be handed over forthwith to the Office of the Mixed Senate (paragraph 13).

If, on the date of the entry into force of the present Agreement, the decision of the Reich Insurance Office, the Bavarian State Insurance Office or the Saar Territory State Insurance Office in such a case has already been pronounced, it shall still be the duty of the Office which gave the decision to make the necessary notification.

These provisions shall apply, *mutatis mutandis*, to cases concerning miners' associations.

Paragraph 10.

The Mixed Senate shall consist of five members and four assessors, including the President. The President of the Reich Insurance Office or a Director or President of a Senate delegated by him shall preside alternately with the President of the Saar Territory State Insurance Office or a member of that body delegated by him. The President of the Reich Insurance Office or the person delegated by him shall preside at the first session.

Two additional members shall be co-opted from among the permanent members of the Reich Insurance Office and the Saar Territory State Insurance Office respectively.

The assessors of the Mixed Senate shall consist of one employer and one employee from the German Reich and one employer and one employee from the Saar Territory. They shall be chosen, for the German Reich from among the employers' and employees' representatives appointed as non-permanent members of the Reich Insurance Office, and for the Saar Territory from among the assessors of the State Insurance Office.

Officials and non-permanent members of the Bavarian State Insurance Office may be substituted, at the discretion of the German Government, for officials and non-permanent members of the German Insurance Office.

The registrar shall be appointed by the authority to which the President of the Mixed Senate belongs.

Paragraph 11.

The Mixed Court of Arbitration shall consist of three members and four assessors, including the President. The President and members shall be appointed by the German Government and the Saar Basin Governing Commission from among persons experienced in matters concerning miners' associations.

The assessors of the Mixed Court of Arbitration shall consist of an employer and an employee from the German Reich and an employer and an employee from the Saar Territory. The assessors from the German Reich shall be appointed from among the assessors of the Miners' Supreme Court of Arbitration in Berlin, and those from the Saar Territory from among the assessors of the Saar Territory State Insurance Office and more particularly from among representatives of the miners' associations.

In general, the provisions of paragraph 10 shall apply *mutatis mutandis*.

Paragraph 12.

The Mixed Senate and the Mixed Court of Arbitration shall meet at Frankfort-on-the-Main, unless otherwise agreed upon, in special cases.

Sub-paragraph 2 of paragraph 4 shall apply.

Paragraph 13.

An Office shall be set up for the Mixed Senate and the Mixed Supreme Court of Arbitration and shall be attached to the Reich Insurance Office in Berlin. Appeals shall be submitted to this

Office. The time-limit laid down shall be held to have been observed if application has been made in proper time to a German authority, an authority of the Saar Basin Governing Commission, an organ of the insurers or to the Office of the Mixed Chamber at Saarbruck. In such cases the application (Rechtsmittelschrift) shall be forwarded at once to the competent office.

The President of the Reich Insurance Office shall take the necessary measures for the preparation of the hearing of the case. Evidence may be taken before the hearing of the case.

Paragraph 14.

A special list shall be drawn up of the cases to be decided by the Mixed Senate. Cases figuring under odd numbers on this list shall be conducted under the presidency of the President of the Reich Insurance Office, those figuring under even numbers under that of the President of the Saar Territory State Insurance Office.

A session shall be held at least once a quarter.

The President shall fix the date of the proceedings and shall appoint the reporters from among the members belonging to the other territory. It shall be the duty of the reporters during the session to present the reports and to draft any decisions to be rendered.

It shall be the duty of the Office to summon the parties and likewise the members and assessors, and to give notice of the decisions.

The above provisions shall apply, *mutatis mutandis*, to the Supreme Mixed Court of Arbitration.

Except where otherwise provided, the proceedings shall be governed by the provisions of the Reich Insurance Regulations and the Imperial Decree of December 24, 1911, concerning the conduct of affairs and procedure of the Reich Insurance Office (Imperial Legal Gazette, p. 1083) and in cases concerning miners' associations by the Regulations of the Prussian Supreme Court of Arbitration of December 8, 1913 (Legal Code, p. 420).

Paragraph 15.

The German Reich shall bear the costs of the Mixed Supreme Court of Arbitration, including those of the Office, but exclusive of the travelling expenses and maintenance allowances of those members and assessors present at the sessions who have been appointed by the Saar Basin Governing Commission.

III. JOINT PROVISIONS.

Paragraph 16.

The German Government and the Saar Basin Governing Commission shall severally designate the officials whom they appoint as Presidents and members of the Mixed Chamber and the Mixed Supreme Court of Arbitration and as substitutes for such. The same shall apply in the case of the assessors.

Paragraph 17.

The authorities and insurers of the German Reich and of the Saar Territory shall comply with the demands of the Mixed Chamber, the Mixed Senate and the Mixed Supreme Court of Arbitration for legal remedy and more especially for the execution of executory decisions.

(Signed) v. ROSENBERG.

(Signed) V. RAULT.