

N° 1312.

**FRANCE ET COMMISSION
DE GOUVERNEMENT DU
TERRITOIRE DE LA SARRE**

Convention concernant les mesures de prévoyance applicables au personnel d'un territoire occupé par des employeurs de même nationalité dans l'autre territoire, avec ordonnance y annexée. Signée à Sarrebruck, le 27 mai 1926.

**FRANCE
AND SAAR TERRITORY
GOVERNING COMMISSION**

Convention concerning the Social Insurance of Workers belonging to the Territory of one Party who are engaged by Employers of their own Nationality in the Territory of the other Party, together with a Decree annexed thereto. Signed at Saarbruck, May 27, 1926.

¹ TRADUCTION. — TRANSLATION.

No. 1312. — CONVENTION² BETWEEN THE GOVERNMENT OF THE FRENCH REPUBLIC AND THE SAAR TERRITORY GOVERNING COMMISSION CONCERNING THE SOCIAL INSURANCE OF WORKERS BELONGING TO THE TERRITORY OF ONE PARTY WHO ARE ENGAGED BY EMPLOYERS OF THEIR OWN NATIONALITY IN THE TERRITORY OF THE OTHER PARTY. SIGNED AT SAARBRUCK, MAY 27, 1926.

French official text communicated by the President of the Saar Territory Governing Commission. The registration of this Convention took place October 1, 1926.

THE GOVERNING COMMISSION OF THE SAAR TERRITORY, represented by Mr. G. W. STEPHENS, Chairman of the Commission, acting in virtue of paragraph 157 of the Reich Insurance Code, modified by Article 2 of Decree No. 359 of May 9, 1923, paragraph 87 of the Law regarding Miners' Insurance Funds of September 16, 1925, and paragraph 362 of the Employees' Insurance Law, of the one part,

And THE GOVERNMENT OF THE FRENCH REPUBLIC, represented by M. DEFLINE, Director-General of the State Mines, acting in virtue of Article 3 of the Law of April 9, 1898, regarding compensation for accidents sustained in the course of employment, Article 10 of the Law of December 15, 1922, Article 11 of the Law of April 5, 1910, on workers' and agricultural labourers' pensions, and Article 1 of the Law of February 25, 1914, as modified in regard to the autonomous pension fund for miners, and, in so far as the three Departments of the Moselle, Haut-Rhin and Bas-Rhin are concerned, in virtue of the provisions of the local laws maintained provisionally in force under the Law of October 19, 1919, on the transitional régime for Alsace and Lorraine, of the other part,

Have agreed on the following provisions :

I. HEALTH.

Article 1.

Saar workers and employees occupied in France, and French workers and employees occupied in the Saar Territory, shall, in the event of illness, receive the benefits of the system laid down by the laws of the country in which they are employed, and their rights in this respect shall not be denied or curtailed.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

² Came into force June 1, 1926.

Article 2.

If an undertaking with its seat in France carries out work in the Saar Territory, or an undertaking with its seat in the Saar Territory carries out work in France, the nature of which is such as to justify the assumption that such work is for a limited period, workers engaged locally shall be insured with the local fund in whose district they are resident, while staff from the country in which the undertaking has its seat shall continue to be insured with the appropriate fund, according to the law in force at the seat of the undertaking.

Persons connected with transport undertakings who are employed at intervals, whether habitually or not, on the other side of the Franco-Saar frontier, shall also be regarded as carrying out work for a limited period, within the meaning of the previous paragraph.

Article 3.

Notwithstanding the provisions of Article 1, Saar workers and employees engaged in France by a Saar undertaking, with its business headquarters in the Saar, which guarantees its Saar personnel, in the case of sickness, special treatment in regard to benefits, may choose the latter system, provided it grants benefits at least equal to those of the system laid down by French law.

French workers and employees engaged in the Saar Territory by a French undertaking, with its business headquarters in France, which guarantees its French personnel, in the case of sickness, special treatment in regard to benefits, may choose the latter system, provided it grants benefits at least equal to those of the system laid down by Saar law.

The above provisions shall only apply to special systems which, at the request of the employer, have been recognised by the competent local authorities as affording the personnel concerned adequate guarantees.

This freedom of choice shall be mentioned in the contract of service. If the party concerned has not stated in writing within three months after his engagement, or after the coming into force of the present Convention, that he chooses the special benefits system, the local law shall apply.

II. ACCIDENTS SUSTAINED IN THE COURSE OF EMPLOYMENT.

Article 4.

Subject to the provisions of Articles 6 and 7 below, Saar undertakings or parts of Saar undertakings situated in France, and French undertakings or parts of French undertakings situated in the Saar Territory, shall be subject, as regards compensation for accidents sustained in the course of employment, to the law of the place in which the work is executed.

Article 5.

Saar workers and employees who have sustained accidents as a result of or in connection with their employment in French territory, or their representatives, shall be entitled to the same compensation and guarantees as are granted to workers and employees of French nationality, or their representatives, the same rule shall apply in the case of French workers and employees in the Saar Territory; and the rights conferred upon such persons by the fact of their residence shall not be in any way denied or curtailed.

These provisions shall also apply to the persons entitled who, at the time of the occurrence of the accident, were not resident in the territory of the country in which it was sustained, or who have since ceased to reside there.

Article 6.

The law in force at the place at which the undertaking has its business headquarters shall apply to compensation for accidents occurring in connection with work the nature of which justifies the presumption that such work is for a limited period, and which is carried out by workers sent from the seat of a French undertaking to the Saar Territory, and *vice versa*.

Persons sent to transport undertakings who are employed at intervals, whether habitually or not, on the other side of the Franco-Saar frontier, shall also be regarded as carrying out work for a limited period within the meaning of the first paragraph.

When the work referred to in the first and second paragraphs is carried out by personnel, part of which is engaged locally and part sent from the seat of the undertaking, measures of supervision and measures for the prevention of accidents shall, as regards the whole of this personnel, be taken by the authorities competent in regard to workers engaged locally.

Article 7.

Notwithstanding the provisions of Article 4, Saar workers and employees engaged in France by a Saar undertaking having its business headquarters in the Saar, and French workers and employees engaged in the Saar Territory by a French undertaking having its business headquarters in France, may choose the system of compensation and guarantees provided for in the laws of their country of origin. This freedom of choice shall be mentioned in the contract of service. If the party concerned has not stated in writing within three months of his engagement or the coming into force of the present Convention that he has chosen the system in force in his country of origin, the local law shall apply.

Article 8.

Should the right of option be exercised, the authorities competent to settle cases arising out of accidents, as provided in Article 7 of the present Convention, shall in every case be the authorities who are competent for the business headquarters, under the laws of the country of origin.

III. INSURANCE AGAINST OLD AGE, INVALIDITY AND DEATH.

Article 9.

Saar workers and employees engaged in France, and French workers and employees engaged in the Territory of the Saar, shall be subject in principle to the old age, invalidity and life insurance system instituted by the laws of the country in which they are engaged.

Article 10.

Inhabitants of the Saar who are contributors to a French social insurance institution, or their representatives, shall be entitled to the same benefits as those granted to workers and employees of French nationality or to their heirs and assigns, and the same rule shall apply in the case of French nationals who are contributors to a Saar institution ; and the rights conferred upon such persons by the fact of their residence in the territories of either of the Contracting Parties shall not be denied or curtailed.

These provisions shall also apply to the persons entitled who were not resident in the territory of the country in which the pension was settled or who have since ceased to reside there.

Article 11.

Notwithstanding the provisions of the previous Articles, Saar workers and employees engaged in France by a Saar undertaking having its business headquarters in the Saar, and French nationals engaged in the Saar by a French undertaking having its business headquarters in France, may choose the old age invalidity and life insurance system provided for in the law of their country of origin. This right of option shall be mentioned in the contract of service. If the party concerned has not stated in writing, within three months after his engagement or after the coming into force of the present Convention, that he chooses the system of his country of origin, the local law shall apply.

Article 12.

Should the right of option be exercised, sums paid in by workers and employees and collected in France, in virtue of the French legislation, on behalf of the Saar workers and employees referred to in Article 11, for the purpose of old age insurance, invalidity insurance or life insurance, shall be transferred by the French organs which have collected such sums to the Saar social insurance institutions to which these workers and employees are contributors.

Similarly, sums paid in by workers and employees and collected in the Saar Territory in virtue of the local legislation, on behalf of the French workers and employees referred to in Article 11 for the purpose of old age insurance, invalidity insurance or life insurance, shall be transferred by the Saar social insurance institutions to the French organs to which these workers and employees are contributors.

Such transfer may, as regards French workers and employees engaged by the French State, be made direct by the department which employs them subject to the necessary proof being given to the competent Saar organs.

Article 13.

When the sums paid in as provided for in the local system of old age, invalidity and life insurance are less than those payable in the country of origin of the workers and employees concerned, the latter shall, if they have not exercised the right of option referred to in Article 11, forward to the insuring organ to which they are contributors in their country of origin, the additional employees and employers contributions required to complete the said sums.

If, on the other hand, the sums paid in as provided for in the local system of old age, invalidity and life insurance, are larger than those payable in the country of origin of the workers and employees concerned, the surplus contributions shall nevertheless be transferred to the insurance organ to which they are contributors in their country of origin. Such body shall deal with these additional sums in the most suitable conditions.

Article 14.

The insurance institutions concerned may decide that the contributions collected before the coming into force of the present Convention for the purpose of old age, invalidity and life insurance in respect of the workers and employees referred to in Article 11, shall be handed over to the insuring organs which these workers and employees have chosen, provided the latter, if necessary, supplement their contributions in conformity with the provisions of Article 13.

Contributions, the payment of which to Saar local insuring organs has been postponed pending the signature of the present Convention, shall be forwarded to the insuring organs chosen by the parties concerned in virtue of the right of option referred to in Article 11.

IV. VARIOUS PROVISIONS.

Article 15.

The term "Saar workers and employees", in the present Convention, shall be understood to mean workers and employees of German nationality possessing as of right the status of inhabitant of the Saar, in conformity with the provisions of Article 2 of the Decree issued by the Governing Commission of the Saar Territory on June 15, 1921 (See Annex).

Article 16.

The term "French territory" or "France" shall be understood to mean the territory of continental France, including the Departments of Moselle, Haut-Rhin and Bas-Rhin.

Article 17.

Exemptions granted in regard to stamping, records and registration, and the issue without payment of cards, certificates and documents provided for in the legislation of either Party, shall also apply for all purposes connected with the present Convention, in the territory of the other Contracting Party.

Article 18.

The French and Saar authorities shall assist each other with a view to facilitating the reciprocal execution of the provisions of the present Convention. They shall determine the cases and circumstances in which direct correspondence shall be carried on between their administrative services. They shall define the nature of the relations between the French and Saar insuring organs, and the information with which they must supply each other to allow of establishing the rights accruing on either side to the workers and employees concerned, and also the method of paying arrears of pensions to pensioners of either of the two Parties residing in the territory of the Party other than that which issued the title to such pensioned.

Article 19.

Any modifications which may subsequently be made in either country in regard to the amount of the benefits given shall be extended as of right to the nationals of the other country.

The extension of the insurance system to new categories of persons and modifications in the conditions for participation in the benefits at present in force, shall be dealt with in special agreements between the two Governments.

Article 20.

The present Convention shall come into force on the first day of the month following its signature. It may be denounced by either Party before January 1, of any year, such denunciation to take effect as from January 1, of the following year.

The denunciation shall only take effect in regard to benefits accruing after its entry into force and not to benefits which accrued previously.

SAARBRUCK, *May 27, 1926.*

(Signed) G. W. STEPHENS.

(Signed) DEFLINE.

ANNEX TO THE CONVENTION

between the French and Saar Governments regarding the social insurance of workers belonging to the territory of one Party who are engaged by employers of their own nationality in the territory of the other Party.

Decree No. 530 of June 15, 1921, issued by the Governing Commission of the Saar Territory (*Official Journal, 1921, No. 9, page 92*).

Article 2.

The status of inhabitant of the Territory of the Saar Basin shall apply by right to the following persons, irrespective of their sex and nationality, if they can prove that they have resided for at least six months in the Territory of the Saar Basin :

1. Any person born in the Territory of the Saar Basin whose father (or, if illegitimate, whose mother) at the date of the birth had his (or her) legal residence in the said Territory.
2. Any person whose father (or, if illegitimate, whose mother) was born in the Territory of the Saar Basin, and before the birth of the said person, had his (or her) legal residence in this Territory for a period of at least ten years.
3. Any person who on November 11, 1918, had his legal residence in the Territory of the Saar Basin.

The status of inhabitant of the Territory of the Saar Basin shall be considered as established in favour of the above-mentioned persons by the fact of their registration in the electoral lists drawn up in accordance with the Ordinance dated April 29, 1920.

Moreover, in the case of persons whose names have not been registered on the electoral lists, recourse may be had, in order to establish their status as inhabitants of the Territory of the Saar Basin, to the procedure prescribed in Article 4 above.