

N° 1319.

ALLEMAGNE
ET COMMISSION
DE GOUVERNEMENT DU
TERRITOIRE DE LA SARRE

Accord concernant les fonctionnaires allemands détachés et mis à la disposition de la Commission de gouvernement du territoire de la Sarre. Signé à Baden-Baden, le 21 décembre 1925.

GERMANY
AND SAAR TERRITORY
GOVERNING COMMISSION

Agreement concerning German Officials placed temporarily at the Disposal of the Saar Territory Governing Commission. Signed at Baden-Baden, December 21, 1925.

N^o 1319. — ACCORD¹ ENTRE L'ALLEMAGNE ET LA COMMISSION DE GOUVERNEMENT DU TERRITOIRE DE LA SARRE CONCERNANT LES FONCTIONNAIRES ALLEMANDS DÉTACHÉS ET MIS A LA DISPOSITION DE LA COMMISSION DE GOUVERNEMENT DU TERRITOIRE DE LA SARRE. SIGNÉ A BADEN-BADEN, LE 21 DÉCEMBRE 1925.

Textes officiels allemand et français communiqués par le président de la Commission de gouvernement du Territoire de la Sarre. L'enregistrement de cet accord a eu lieu le 4 octobre 1926.

Vu les dispositions des articles 45 à 50 du Traité de Paix de Versailles, ainsi que de l'annexe auxdits articles, vu le régime particulier créé par ces dispositions pour le territoire de la Sarre,

LA COMMISSION DE GOUVERNEMENT DU TERRITOIRE DE LA SARRE, attendu qu'elle a, à l'égard des fonctionnaires allemands mis à sa disposition et qui ont été nommés par elle, des droits et des devoirs, conformément à la législation relative aux fonctionnaires en vigueur dans le Territoire de la Sarre, et notamment au statut des fonctionnaires du 29 juillet 1920, d'une part, et

LE GOUVERNEMENT ALLEMAND, attendu que les administrations d'origine ont, envers les fonctionnaires allemands en congé dans le Territoire de la Sarre, des droits et des devoirs, conformément à la législation allemande relative aux fonctionnaires, d'autre part,

¹ Entré en vigueur le 16 juin 1926.

TEXTE ALLEMAND. — GERMAN TEXT.

N^o 1319. — ABKOMMEN¹ ZWISCHEN DEUTSCHLAND UND DER REGIERUNGSKOMMISSION DES SAARGEBIETES BETREFFEND DIE DER REGIERUNGSKOMMISSION DES SAARGEBIETES VORÜBERGEHEND ZUR VERFÜGUNG GESTELLTEN DEUTSCHEN BEAMTEN, GEZEICHNET IN BADEN-BADEN, AM 21. DEZEMBER 1925.

German and French official texts communicated by the President of the Saar Territory Governing Commission. The registration of this Agreement took place October 4, 1926.

Im Hinblick auf die Bestimmungen der Artikel 45-50 nebst Anlage des Vertrages von Versailles und auf das für das Saargebiet hierdurch geschaffene besondere Regime sind DIE REGIERUNGSKOMMISSION DES SAARGEBIETES, davon ausgehend, dass sie gegenüber den ihr zur Verfügung gestellten Beamten, die sie ihrerseits zu Beamten der Regierungskommission ernannt hat, Rechte und Pflichten nach Massgabe der im Saargebiet geltenden Beamten-gesetzgebung, insbesondere des Beamtenstatuts vom 29. Juli 1920 besitzt, einerseits und DIE DEUTSCHE REGIERUNG, davon ausgehend, dass die deutschen Heimatverwaltungen gegenüber den in das Saargebiet beurlaubten deutschen Beamten Rechte und Pflichten nach Massgabe der deutschen Beamten-gesetzgebung besitzen, andererseits in der Erwägung, dass es sowohl im Interesse des Dienstes wie im Interesse der Beamten zweckmässig erscheint,

¹ Came into force June 16, 1926.

¹ TRADUCTION. — TRANSLATION.

No. 1319. — AGREEMENT BETWEEN GERMANY AND THE SAAR TERRITORY GOVERNING COMMISSION CONCERNING GERMAN OFFICIALS PLACED TEMPORARILY AT THE DISPOSAL OF THE SAAR TERRITORY GOVERNING COMMISSION. SIGNED AT BADEN-BADEN, DECEMBER 21, 1925.

In view of the provisions of Articles 45 to 50, and the Annex thereto, of the Treaty of Versailles, and the special measures laid down for governing the Saar Territory,

THE SAAR TERRITORY GOVERNING COMMISSION, in view of its rights and duties in regard to the German officials placed at its disposal, who were appointed by the Commission to positions in its own service in conformity with the laws relating to public officials in force in the Saar Territory, and, in particular, the Civil Service regulations of July 29, 1920, of the one part; and

THE GERMAN GOVERNMENT, in view of the rights and duties of the German administrative departments in regard to German officials seconded for service in the Saar Territory, under the German legislation relating to officials, of the other part,

Considering it expedient, in the interests both of the service and of the officials, to settle so far as possible the position of the officials arising out of these special circumstances,

Have agreed upon the following provisions :

Article 1.

In this Agreement, German officials shall mean German nationals :

(a) Who, as officials directly employed by the Reich, the German Railway Company, Prussia or Bavaria, (including elementary-school teachers) were placed by their home departments at the disposal of the Saar Territory Governing Commission on or after May 10, 1920, (unless there has since been any change in the situation) or may hereafter be placed at its disposal or;

(b) Who, as officials formerly employed directly or indirectly by the Government of Alsace-Lorraine, entered, with the consent of the Government of the Reich, the service of the Saar Territory Governing Commission, and for whom the Reich has assumed responsibility under the Act of January 11, 1922, relating to the legal position of former officials of Alsace-Lorraine (*Reichsgesetzblatt*, page 29).

Article 2.

The German Government confirms the seconding of German officials already placed at the disposal of the Governing Commission. The Saar Territory Governing Commission confirms

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

these officials in its service. Until such time as they leave its service, these officials shall be paid by the Governing Commission in accordance with the regulations issued by it.

Except as may be specially agreed in individual cases, officials shall only be sent back to their home departments in accordance with the provisions of this Agreement; measures of re-organisation or economy on the part of the Governing Commission shall not constitute a valid reason for sending back these officials.

The home Department shall only recall a German official at his own request, and in such cases shall consider the interests of the service in the Saar Territory; in particular it shall, if requested by the Governing Commission, allow the official not more than six months from the date of notifying his recall, in which to take up his new appointment.

(As regards possible substitution, see Article 4, paragraph 2).

Article 3.

The German Government and the Saar Territory Governing Commission declare themselves each prepared in principle to see, as far as possible, that German officials suffer no disadvantage by reason of their service in the Saar Territory.

For this purpose, the German Government undertakes to inform the Saar Territory Governing Commission of all amendments to the German laws, decrees and other provisions relating to officials.

The Governing Commission shall, for its part, endeavour — in order to prevent the general conditions of service of the German officials placed at its disposal, especially as regards appointment, promotion, and pensions, becoming less favourable than those of officials of the home departments — to introduce into the Saar Territory, so far as possible, such German regulations as are brought to its notice.

The Saar Territory Governing Commission shall, as soon as possible after the restoration of stabilised currency conditions in the Saar Territory, fix the pay of the German officials excluding local allowances (at present, basic salary and social allowances) at a not less favourable rate than under the German scale.

Article 4.

The German Government is prepared as far as is possible, especially as regards the number of regular posts available, to examine favourably applications and requests made by German officials transferred from the active list to be reinstated in the German service for urgent personal reasons, and particularly out of consideration for their future careers.

When forwarding such applications, the Governing Commission shall state its wishes regarding the appointment of another German official as a substitute.

Article 5.

The period during which German officials have served under the Governing Commission shall be credited to them by their home departments for pay, pension, appointment and promotion, so that they shall suffer no disadvantage in comparison with officials remaining in the service of the home departments.

The German home departments are prepared to confirm promotions made by the Governing Commission as far as their financial and staff regulations and rules for appointment and promotion allow.

Article 6.

Where, for certain classes of officials, advancement and promotion are dependent on length of service, the home departments and the Governing Commission shall notify each other as soon as, in their opinion, a German official seconded for service in the Saar Territory is eligible for promotion or advancement, in order that they may make such promotions simultaneously, as far

as their financial and staff regulations and rules for appointment and promotion allow. The Governing Commission shall inform the German official of the communication made by his home department.

Article 7.

I.

1. Since under the German rules appointment and promotion in certain salary groups are made on the results of a specialised examination, in order to enable German officials employed in the Saar Territory and junior officials in the service of the Saar Territory belonging to Groups I to IX inclusive of the German salary scale, corresponding to Groups I to XIII inclusive of the Governing Commission's salary scale, to take this examination, the German Government and the Governing Commission have agreed as follows :

(a) The Governing Commission shall allow such officials in the various departments to take the same examinations as in the corresponding German departments.

(b) The Governing Commission shall hold these examinations in conformity with the letter and spirit of the German regulations, it being understood, however, that differences in the legislation and departmental rules in the Saar Territory may necessitate certain modifications.

(c) The examining boards shall be constituted in conformity with the German regulations and appointed by the Governing Commission. The German Government is prepared to put at the disposal of the Governing Commission, if it so desires, officials to serve on these examining boards.

(d) To ensure concordance between the examinations in the Saar Territory and in the Reich, the home departments shall be represented at these examinations, as far as possible, by a commissioner. In order to enable the home departments to do this, the Governing Commission shall notify the home department in question in good time of the place, date, and hour of the examinations. Certificates granted by the examining boards of the Governing Commission under the present Agreement, attesting the success of the candidate, shall be valid in Germany as if they had been granted by the corresponding German Authorities, (1) if they bear the signature of the Commissioner, where a Commissioner was present ; (2) where the department does not send a Commissioner, if this is officially noted on the certificate.

(e) The Governing Commission shall notify the German Government of the results of the examinations.

2. The above provisions shall not apply to examinations for teaching staff (see No. III), nor shall they affect special agreements regarding the organisation of examinations. However, the agreement regarding the organisation of examinations of June 7, 1921, is replaced by the above provisions, it being understood that examinations passed during the period when the said Agreement was in force shall be recognised.

II.

Should the Governing Commission fail to constitute its own examining boards as laid down in No. I, the German departments are prepared to provide an opportunity for those German officials whose names are sent in by the Governing Commission to take these examinations before an examining board in a place as near as possible to the Saar Territory. Facilities shall be given, on request, for a Commissioner of the Governing Commission to be present at the examination.

The Governing Commission shall grant German officials leave to attend these examinations.

The German departments shall notify the Governing Commission of the results of these examinations.

III.

The German Government and the Governing Commission reserve the right to make special agreements both as regards examinations for other classes of officials, especially teachers, and as regards special training for these examinations.

Article 8.

The German Government is prepared to place other officials beyond those mentioned in Articles 2 and 4, at the disposal of the Governing Commission.

The provisions of this Agreement shall apply to such officials from the date of their entering the service of the Governing Commission.

Article 9.

If a German official is placed by his home department at the disposal of the Governing Commission under the provisions of this Agreement, the necessary removal allowances shall be borne by the Governing Commission ; if the official returns to his home department, the expenses shall be borne by such Department.

Article 10.

I.

In conformity with the provisions relating to pensions in force in the Saar Territory, the Governing Commission will continue to be responsible for the payment of :

(a) The pensions of officials whom it has placed or may hereafter place on the retired list ;

(b) Allowances to surviving dependants of the officials referred to in (a) above, and surviving dependant of German officials dying while in the service of the Governing Commission.

The Governing Commission shall communicate to the German Government all pension awards made under paragraph 1, together with the necessary documents.

II.

The Governing Commission shall create, as from April 1, 1926, a reserve fund for pensioners and surviving dependants. It shall pay into this fund 17½ per cent of the total emoluments (at present the basic salaries, cost-of-living bonus and social allowance) of all budgetary and non-budgetary officials in its service covered by the pension regulations in force in the Saar Territory. However, from this shall be deducted the amount of the payments to be made by the Governing Commission after April 1, 1926, to pensioners and surviving dependants under the pension regulations in force in the Saar Territory.

The payments into the Fund, with effect from April 1, 1926, shall be made on the first occasion not later than July 9, and subsequently within nine days after the salaries fall due, or at the latest on October 9 and April 9 for the preceding six months.

The date on which salaries fall due shall be regarded as the first of the month in respect of which the salaries are paid. If payment is not made within nine days of the date on which the salaries fall due, the amount must be calculated at the gold value of the balance due. This gold value shall be based on the American dollar at the average rate quoted on the New York Exchange during the eight days preceding, on the one hand, the date when the salaries fell due and, on the other hand, the date of payment.

III.

The Fund shall be administered as follows :

(a) The Fund shall be managed by the Governing Commission and, regard being had to the normal rates of interest ruling in the Saar Territory, shall be invested in stable securities. By stable securities are meant mortgages in stable values, gold loans and loans in stable currencies, new dwelling-house construction and other immovable property. The interest and other net receipts shall be paid into the Fund. The Governing Commission shall arrange for the essential documents to be placed in safe keeping and further for the accounts to be kept in such a way that, in any case, on the conclusion of the

activities of the Governing Commission, the books shall clearly show the ratio of contributions from the salaries of German officials to contributions from the salaries of other officials.

(b) The Fund shall be managed separately from the other funds of the Governing Commission, as a special concern, so that, on the conclusion of the Governing Commission's activities, it can be transferred in its entirety — in accordance with the decision to be taken by the Council of the League of Nations under paragraph 39 of the Annex to Articles 45 to 50 of the Treaty of Peace of Versailles — to the Government which will thenceforward have to bear this portion of the pension charges.

(c) Side by side with the authorities administering the Fund a Committee shall be constituted whose President shall *ex officio* be the President of the District Court at Saarbrück; the composition of the Committee shall be determined by the Governing Commission and the other members appointed by it. It shall be the duty of the Committee to satisfy itself generally that the Fund is being administered in accordance with the provisions of this Agreement, and, in particular, that all the receipts appertaining to the Fund are paid into it, that the investments are made in accordance with the Agreement; and that the maintenance of the fund is ensured. It shall be empowered to examine the books and papers at any time. Its further powers and duties shall be defined in the regulations to be drawn up by the Governing Commission.

(d) The Governing Commission shall devote in its periodical report to the League of Nations a section dealing with the administration of the Fund. The balance-sheet to be drawn up yearly shall be attached to the next following report of the Governing Commission.

Article 11.

All income derived from employment in the public service in the Saar Territory shall be reckoned towards German pensions in conformity with the German pensions regulations. In the same way all income derived from employment in the public service in the German Reich shall be reckoned towards the pensions paid in the Saar Territory in conformity with the pension regulations in force in the Saar Territory.

Public services shall be understood as defined in Paragraph 57, No. 2, paragraph 2, of the German Civil Service Regulations as contained in the Law of June 18, 1923 (*R. G. Bl. I*, page 385). In the event of the employment in a public service of any person entitled to a pension, the German Government and the Governing Commission shall give adequate notice to the competent pensions authorities, stating the nature and the date of the commencement of the employment and the amount of the salary paid, with an indication of its constituent parts. The German Government and the Governing Commission shall take steps to ensure that persons entitled to German pensions employed in the public service in the Saar Territory and persons entitled to a pension from the Saar Territory employed in the public service in the German Reich, shall receive salaries of the same scale as other persons performing similar or corresponding duties.

Article 12.

Correspondence relating to the application of this Agreement shall as a rule be exchanged between the German Commissioner for the Transfer of the Saar Territory and the Governing Commission.

Questions of principle shall be settled between the German Government and the Governing Commission.

Should the need arise, in the interests of simplification and expedition, for direct correspondence between the German department concerned, on the one hand, and the officials of the Governing Commission, on the other hand, a special agreement may be concluded on this subject.

Article 13.

The German Government and the Governing Commission shall furnish each other with all information required for carrying out the provisions of this Agreement.

Article 14.

The German Government and the Governing Commission shall retain complete freedom as regards rights concerning which no provision has been made in this Agreement.

Any serious differences of views which may arise in regard to the interpretation or application of this Agreement shall be settled by a joint committee which, for each particular case, shall be composed of one member appointed by the German Government and one by the Governing Commission. The Committee shall meet at a place to be decided on by these two persons.

All cases in which this Committee cannot agree shall be referred for decision to an arbitrator appointed by the Committee. Should the Committee be unable to agree as to the selection of an arbitrator, the President of the Permanent Court of Justice at The Hague shall be invited to appoint one.

Article 15.

This Agreement shall come into force as soon as the German Government and the Governing Commission notify each other of their approval.

Done in duplicate at Baden-Baden on December 21, 1925.

(Signed) G. W. STEPHENS.

(Signed) FRIEDBERG.

(Signed) KOSSMANN.

(Signed) J. MORIZE

ANNEX.

Table showing the corresponding salary groups in :

The Reich	The Saar Territory
I	I
II	II
III	III
IV	IV
V	V
VI	VI and VII
VII	VIII
VIII	IX and X
IX	XI, XII and XIII
X	XIV
XI	XV
XII	XVI and XVII
XIII	XVIII