

N° 1686.

DANEMARK ET PAYS-BAS

Convention concernant l'application
réciproque des lois des deux pays
en matière d'assurance contre les
accidents. Signée à Copenhague,
le 23 octobre 1926.

**DENMARK
AND THE NETHERLANDS**

Convention regarding the reciprocal
Application of the Accident Insu-
rance Laws of the two Countries.
Signed at Copenhagen, October
23, 1926.

TEXTE NÉERLANDAIS. — DUTCH TEXT.

N^o 1686. — VERDRAG ¹ TUSSCHEN DENEMARKEN EN NEDERLAND BETREFFENDE DE BETREKKINGEN TUSSCHEN BEIDE LANDEN INZAKE ONGEVALLENVERZEKERING GETEEKEND TE KOPENHAGEN, 23 OKTOBER, 1926.

Danish and Dutch official texts communicated by the Danish Chargé d'Affaires a. i. at Berne and the Netherlands Minister at Berne. The registration of this Convention took place April 23, 1928.

HARE MAJESTEIT DE KONINGIN DER NEDERLANDEN en ZIJNE MAJESTEIT DE KONING VAN DENEMARKEN EN IJSLAND, wenschende de betrekkingen tusschen Nederland en Denemarken inzake ongevallenverzekering te regelen, hebben besloten te dien einde een verdrag te sluiten en hebben tot Hunne Gevolmachtigden benoemd te weten :

HARE MAJESTEIT DE KONINGIN DER NEDERLANDEN :

den Heer W. L. F. C. Ridder van RAPPARD, Hoogstderzelver Buitengewoon Gezant en Gevolmachtigd Minister te Kopenhagen ;

ZIJNE MAJESTEIT DE KONING VAN DENEMARKEN EN IJSLAND :

Graaf Carl Poul Oscar MOLTKE, Hoogst Deszelfs Minister van Buitenlandsche zaken,

die daartoe behoorlijk gemachtigd, zijn overeengekomen nopens de volgende bepalingen :

1. De Deensche Regeering verklaart hierbij, in verband met het bepaalde in den laatsten zin van paragraaf 37 der Deensche Ongevallenverzekeringswet van 28 Juni 1920, ten behoeve van de nagelaten betrekkingen van Nederlandsche onderdanen een uitzondering te maken met betrekking tot het bepaalde in den eersten zin van paragraaf 37. Ook overigens zullen de Nederlandsche onderdanen in alle opzichten dezelfde rechten genieten, welke aan Deensche onderdanen toekomen op grond van de Deensche Ongevallenverzekeringswet van 28 Juni 1920.

2. De Nederlandsche Regeering verklaart hierbij dat de Deensche onderdanen in alle opzichten dezelfde rechten genieten, welke aan Nederlanders toekomen op grond van de Ongevallenwet 1921, de Land- en Tuinbouwongevallenwet 1922 en de Zeeongevallenwet 1919.

3. De schadeloosstellingen, waarop volgens de wettelijke bepalingen in een der beide contracterende Staten geldende bij ongeval aanspraak bestaat, worden toegekend en vastgesteld volgens de regelen, welke daaromtrent thans gelden of later zullen gelden in het land, welks ongevallenwet met betrekking tot het ongeval van toepassing is. Evenzoo zal degene, die recht heeft op schade-

¹ The exchange of ratifications took place at Copenhagen, March 28, 1928.

¹ TRANSLATION.

No. 1686. — CONVENTION BETWEEN DENMARK AND THE NETHERLANDS REGARDING THE RECIPROCAL APPLICATION OF THE ACCIDENT INSURANCE LAWS OF THE TWO COUNTRIES. SIGNED AT COPENHAGEN, OCTOBER 23, 1926,

HIS MAJESTY THE KING OF DENMARK AND ICELAND and HER MAJESTY THE QUEEN OF THE NETHERLANDS, being desirous of regulating co-operation between Denmark and the Netherlands as regards accident insurance, have decided to conclude a Convention for that purpose, and have appointed as their Plenipotentiaries the following :

HIS MAJESTY THE KING OF DENMARK AND ICELAND :

Count Carl Poul Oscar MOLTKE, His Majesty's Minister for Foreign Affairs ;

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

M. W. L. F. C. Ridder van RAPPARD, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at Copenhagen,

Who, being duly authorised for that purpose, have agreed upon the following provisions :

1. The Danish Government hereby agrees, with reference to paragraph 37, last paragraph, of the Danish Accident Insurance Law of June 28, 1920, to exempt Netherlands subjects from the stipulation of the said Law to the effect that paragraph 37, first paragraph, thereof shall not apply to the surviving kin of Netherlands subjects.

In all other respects Netherlands subjects shall enjoy the rights granted to Danish subjects by the Danish Accident Insurance Law of June 28, 1920.

2. The Netherlands Government hereby declares that Danish subjects shall enjoy in all respects the same rights as those granted to Netherlands subjects by the Netherlands Industrial Workers' Accident Insurance Law (1921), the Agricultural Workers' Accident Insurance Law (1922) and the Marine Accident Insurance Law (1919).

3. The compensation claimable in respect of accidents under the laws in force in either Contracting Country shall be granted and the amount shall be fixed in accordance with the rules on this subject which are in force in the country whose accident insurance laws apply to the accident in question. Similarly, in all questions relating to their insurance rights and obligations, persons entitled to compensation shall be subject to the legal provisions of the country whose accident insurance laws apply to the accident in question.

4. When, in application of the accident insurance laws of either country, wages fixed in the currency of the other country have to be assessed, the sums in question shall be converted at a fixed rate of exchange which will be determined by the respective Contracting Governments for the purpose of applying their own laws and will be communicated to the Government of the other country.

5. The Danish Workers' Insurance Board (*Arbejderforsikringsraad*) and the following Netherlands institutions : *Rijkzverzekeringsbank*, *Raden van Arbeid*, *Bedrijfsverenigen*, and

¹ Translated by the Secretariat of the League of Nations.

the organisations and persons appointed by the Netherlands Ministry to apply the Law of 1919 on Marine Accident Insurance, shall assist each other in cases coming under the present Convention, any expenditure incurred being refunded, and shall similarly, on request and subject to refund of any expenditure incurred, assist any other insurance institution which, under any of the above-mentioned laws, assumes employers' liability for accidents due to employment, by supplying information and paying benefits.

6. If a person, whose business is conducted principally in one of the Contracting Countries, employs labour for work carried out in the other country, and if by reason of its nature such work is subject to accident insurance under the laws of both countries, such insurance shall, except where otherwise provided hereinafter, be governed by the laws in force in the country where the work is carried out.

7. The laws of the country in which the business is mainly carried on shall be applicable :

(1) In the case of work which is of short duration and is not performed independently, to workers not permanently domiciled in the country where the work is carried out, and

(2) In the case of work other than that referred to in (1) above to workers specially sent to the country in question to carry out inspection or supervision or for some other special purpose.

The competent authority of the country in which the work is carried on shall decide whether it is to be deemed of short duration or not independent, or whether the workers are to be regarded as sent to the country in question for the purposes specified in (2). In any case, however, work lasting for not more than six months in the country in question shall be deemed to be work of short duration.

8. As regards transport undertakings (land, sea and air traffic) which are not normally limited to one of the two countries, the laws applicable shall be those of the country in which the seat of the undertaking is situated.

Workers employed in such an undertaking in the other country and permanently domiciled therein shall, however, be subject to that country's laws.

9. When, for purposes of lading or unloading or repairs on board a ship or aircraft belonging to either country, during the stay of such ship or aircraft in the other country, the services of workers of the latter country are employed, such workers shall be subject to its laws.

10. The present Convention shall not apply to any laws which have been or may hereafter be promulgated in Denmark or the Netherlands regarding any increase of the benefit grant to seamen in respect of accidents resulting from a state of war.

11. The present Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible.

12. The Convention, which shall come into force on the day following the date of the exchange of the instruments of ratification, shall apply to accidents occurring on or after the date of its entry into force.

13. The present Convention may be denounced by either of the Contracting Parties at not less than a year's notice. The denunciation may take effect only as from the beginning of the calendar year.

In faith whereof the respective Plenipotentiaries have signed the present Convention in duplicate in Danish and Dutch, both texts being authentic, and have thereto affixed their seals.

COPENHAGEN, *October 23, 1926.*

(L. S.) C. MOLTKE.

(L. S.) W. L. F. C. DE RAPPARD.