

N° 2540.

DANEMARK ET SUÈDE

Echange de notes comportant un accord concernant l'assistance médicale et le rapatriement des marins. Copenhague, le 27 janvier 1930.

DENMARK AND SWEDEN

Exchange of Notes constituting an Agreement regarding the Medical Treatment and Repatriation of Seamen. Copenhagen, January 27, 1930.

¹ TRANSLATION.

No. 2540. — EXCHANGE OF NOTES BETWEEN THE DANISH AND SWEDISH GOVERNMENTS CONSTITUTING AN AGREEMENT REGARDING THE MEDICAL TREATMENT AND REPATRIATION OF SEAMEN. COPENHAGEN, JANUARY 27, 1930.

I.

THE SWEDISH MINISTER IN COPENHAGEN TO THE DANISH MINISTER FOR FOREIGN AFFAIRS.

SIR,

COPENHAGEN, *January 27, 1930.*

With reference to the negotiations which have taken place, I have the honour to inform Your Excellency that the Royal Swedish Government, agreeing with the Royal Danish Government as to the desirability of concluding an agreement between Sweden and Denmark for the medical treatment and repatriation of seamen, etc., is prepared to allow the following regulations to be applied to Danish seamen engaged on Swedish vessels, provided that Swedish seamen engaged on Danish vessels are treated in accordance with the provisions contained in the note which Your Excellency has simultaneously presented.

Article I.

The cost of medical treatment given to a Danish seaman on a Swedish vessel shall be defrayed by the owner so long as the seaman remains in his employment.

If a sick or injured seaman is removed from his employment on the conclusion of his contract, or has been previously discharged, without lawful reason, he shall nevertheless be entitled to medical treatment at the owner's expense for a period not exceeding six weeks after the conclusion of his employment, or, if the treatment takes place outside Sweden or Denmark, for twelve weeks after he is paid off; if he has not been paid off, the time shall be calculated from the date when the vessel proceeded on its voyage. In this case a Danish seaman who has left the service outside Sweden or Denmark shall also be entitled to a free passage with subsistence to the nearest Danish port; if, however, the seaman has not the rank of an officer and has not been in the owner's service for six months before being paid off or, if he has not been paid off before the date when the vessel proceeded on its voyage, he shall only be entitled to the privilege in question if he shipped in a European port or in another port in the Mediterranean, the Black Sea or the Sea of Azov, or if he had shipped in one of the ports mentioned not more than two years before entering the service of the owner. If a seaman who is thus entitled to a free passage home can be given work aboard a vessel bound for Denmark or any other place from which he can easily return home, he shall be obliged to accept this work provided his health permits and he is engaged in a capacity corresponding to that in which he has previously been engaged and on equally advantageous terms.

¹ Translated by the Secretariat of the League of Nations, for information.

The foregoing shall not apply if the sickness or injury was due to the seaman's own fault or if he concealed it when accepting the employment ; in such case he shall be obliged to pay the cost of medical treatment himself, and shall not be entitled to a free passage home. The owner's expenses under this head may be deducted from the seaman's wages.

If a Danish seaman engaged on a Swedish vessel and suffering from venereal disease in a contagious form is left behind in a port outside Denmark, the cost of hospital and medical treatment and medicaments for the period after the conclusion of his employment shall be borne out of Swedish State funds.

Article 2.

If a Danish seaman's employment ceases in any other country than Sweden or Denmark on account of the wreck of a Swedish vessel, he shall be entitled to a free passage to the nearest Danish port, with subsistence during the journey. The cost of the seaman's passage and subsistence shall be borne out of Swedish State funds. In addition to the right to wages and subsistence under the conditions mentioned in the Swedish Seamen's Law, paragraph 41, end of first paragraph, the seaman shall be entitled to his wages during the passage home, but for not more than two months if he is a mate or an engineer, and in other cases for one month. The seaman shall, however, be obliged to accept service aboard another vessel in accordance with the provisions of Article 1, paragraph two.

Article 3.

In the case of the wreck of a Swedish vessel, Danish seamen shall be entitled to receive compensation from the owner for the loss of their effects, in accordance with the rules applied to Swedish seamen.

Article 4.

The provisions of the foregoing Articles with regard to seamen shall apply *mutatis mutandis*¹ to persons appointed to the ship by the owner or the master but not belonging to the actual crew.

The Royal Swedish Government agrees with the Royal Danish Government that this note together with that simultaneously presented by Your Excellency shall constitute an agreement concluded between the two Governments, which shall come into force on April 1, 1930, and shall remain in force for six months after its denunciation by either Party.

I have, etc.

His Excellency Dr. Munch,
Minister for Foreign Affairs,
etc., etc., etc.

(Signed) O. EWERLÖF.

¹ TRANSLATION.

II.

THE DANISH MINISTER FOR FOREIGN AFFAIRS TO THE SWEDISH MINISTER AT COPENHAGEN.

COPENHAGEN, *January 27, 1930.*

MONSIEUR LE MINISTRE,

With reference to previous negotiations, I have the honour to inform you that the Royal Danish Government, agreeing with the Royal Swedish Government in the desirability of making an agreement between Denmark and Sweden concerning treatment, nursing and repatriation

¹ Translation of the Danish Government.

of seamen, etc., will be ready to bring into operation the following provisions regarding Swedish seamen engaged on board Danish ships, provided that a treatment in accordance with the rules mentioned in your note addressed to me simultaneously with this present note is secured to Danish seamen engaged on board Swedish ships.

Article 1.

The expenses arising from the treatment and nursing of a sick Swedish seaman engaged on board a Danish ship shall be defrayed by the owner as long as the contract of service lasts.

If, at the expiration of the contract of service, such seaman is sick, he has the right to treatment and nursing at the owner's expense, such liability, however, being limited to six weeks, if the seaman is nursed in Denmark or Sweden, and otherwise to twelve weeks. The time is to be reckoned from the day of the seaman's discharge, and if discharge does not take place, from the day of the departure of the ship.

A Swedish seaman who, under the said circumstances, is left behind by a Danish ship in a country other than Denmark or Sweden, may, if he was engaged in Europe — in which respect trade on the non-European coasts of the Mediterranean, the Black Sea and the Sea of Asov shall be considered equal to European trade — claim free passage, including board, to the nearest port in Sweden. If the seaman was engaged out of the said trade territory, he shall have the same right to be sent back at the owner's expense, if he is a deck or engine officer, or if he has been in the owner's service during six months preceding either his discharge, or, if no discharge takes place, the day of the departure of the ship. The same rules shall apply, if, at the time of his engagement by the owner, not more than two years had passed after his latest engagement for European trade. If he can be employed on board a ship bound for Sweden or a port from which he can conveniently be sent to Sweden, and his state of health permits, he shall be bound to accept such position, if it is not of a lower grade or a lower pay than his former position.

The provisions of the foregoing sub-section of this Article shall correspondingly apply to a Swedish seaman who suffers from tuberculosis of a contagious nature and who, as a consequence thereof, must leave the service, either for his own sake or the sake of those on board.

The provisions of the foregoing sub-sections of this Article shall not apply in case the disease or the damage was due to the seaman's own fault or was concealed by him at the time of his engagement. In such case the seaman shall pay out of his own means the expenses of his treatment and nursing before as well as after the expiration of the contract of service, nor may he claim free passage home, and any advances made by the owner for the seaman may be deducted from the wages due to him.

If a Swedish seaman engaged on board a Danish ship is suffering from venereal disease in a contagious stage, in consequence of which he must leave his service in a port out of Sweden, the Danish Treasury will, irrespective of the foregoing provisions, defray all necessary expenses of the treatment and nursing of such seaman.

Article 2.

If, owing to the loss of a Danish ship, on board which a Swedish seaman was serving, the service of such seaman should cease in any country other than Denmark or Sweden, he may claim free passage home, including board, to the nearest port in Sweden at the expense of the Danish Treasury. Furthermore, beyond the wages due to him under Article 41, (1) of the Danish Seamen's Act, he may claim wages during the passage home for a period not exceeding two months, if he is a mate or an engineer, and one month, if he is a member of the subordinate crew. The seaman is obliged to serve on board another ship in accordance with the stipulations mentioned in Article 1, and, during such service he cannot claim wages from the owner of the lost ship.

Article 3.

The owner shall pay compensation for effects lost owing to a Danish ship being wrecked, in accordance with the rules laid down for Danish seamen.

Article 4.

The foregoing Articles shall correspondingly apply to all persons not members of the crew proper but appointed by the owner or the master on board a Danish ship.

The Danish Government agrees with the Swedish Government that this present note together with the note that you have simultaneously addressed to me shall constitute the agreement concluded between the two Governments, which shall come into force on April 1, 1930, and shall remain in force until the expiration of six months from the day on which notice be given by one of the Parties.

I have the honour to remain, Monsieur le Ministre, etc., etc.

To Monsieur O. A. H. Ewerlöf,
Royal Swedish Minister
at Copenhagen.

(Signed) P. MUNCH.