

N° 3947.

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**ALLEMAGNE ET DANEMARK**

Convention relative à l'assurance-accidents. Signée à Berlin, le 19 juillet 1933.

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**GERMANY AND DENMARK**

Agreement respecting Accident Insurance. Signed at Berlin, July 19th, 1933.

TEXTE ALLEMAND. — GERMAN TEXT.

N<sup>o</sup> 3947. — ABKOMMEN <sup>1</sup> ZWISCHEN DEM DEUTSCHEN REICH UND DEM KÖNIGREICH DÄNEMARK ÜBER UNFALLVERSICHERUNG. GEZEICHNET IN BERLIN, AM 19. JULI 1933.

*Danish and German official texts communicated by the Permanent Delegate of Denmark to the League of Nations. The registration of this Agreement took place July 29th, 1936.*

DER DEUTSCHE REICHSPRÄSIDENT und SEINE MAJESTÄT DER KÖNIG VON DÄNEMARK UND ISLAND sind übereingekommen, die Beziehungen zwischen dem Deutschen Reiche und dem Königreich Dänemark auf dem Gebiete der Unfallversicherung vertraglich zu regeln. Zu diesem Zwecke haben zu Bevollmächtigten ernannt :

DER DEUTSCHE REICHSPRÄSIDENT :

den Staatssekretär im Reichsarbeitsministerium, Herrn Dr. Johannes KROHN, und den Vortragenden Legationsrat im Auswärtigen Amte, Herrn Ludwig DEHL,

SEINE MAJESTÄT DER KÖNIG VON DÄNEMARK UND ISLAND :

den ausserordentlichen Gesandten und bevollmächtigten Minister in Berlin, Herrn Kammerherrn Herluf ZAHLE,

die, nachdem sie ihre Vollmachten geprüft und in guter und gehöriger Form befunden haben folgendes vereinbart haben :

*Artikel 1.*

(1) Bei der Durchführung der Unfallversicherung finden grundsätzlich die Vorschriften des vertragschliessenden Staates Anwendung, in dessen Gebiete die für die Versicherung massgebende Beschäftigung ausgeübt wird. Von dieser Regel gelten folgende Ausnahmen :

a) Werden Arbeitnehmer von einem Betriebe, der in dem einen Staate seinen Sitz hat, zu einer vorübergehenden Beschäftigung in das andere Staatsgebiet entsandt, so finden für die Dauer eines Jahres die Vorschriften des Staates Anwendung, in dem der Sitz des entsendenden Betriebs, in Ermangelung eines Betriebs der Wohnsitz des Arbeitgebers gelegen ist. Die Vorschriften dieses Staates gelten auch für eine Beschäftigung, die ihrer Natur nach einen wiederholten, in jedem einzelnen Falle sechs Monate nicht übersteigenden Aufenthalt im anderen Staatsgebiet erfordert.

Wenn zum Laden oder Löschen oder zur Reparaturarbeit an Bord eines Seefahrzeugs, welches in einem der beiden Staaten beheimatet ist, während des Aufenthalts des Fahrzeugs im anderen Staate Arbeitnehmer dieses Staates angenommen werden, so finden dessen Vorschriften Anwendung.

<sup>1</sup> The exchange of ratifications took place at Berlin, February 14th, 1934. Came into force March 1st, 1934.

<sup>1</sup> TRANSLATION.

No. 3947. — AGREEMENT BETWEEN THE GERMAN REICH AND THE KINGDOM OF DENMARK RESPECTING ACCIDENT INSURANCE. SIGNED AT BERLIN, JULY 19TH, 1933.

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THE PRESIDENT OF THE GERMAN REICH and HIS MAJESTY THE KING OF DENMARK AND ICELAND have decided to settle by agreement the relations between the German Reich and the Kingdom of Denmark in the matter of accident insurance. For this purpose, they have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE GERMAN REICH :

Dr. Johannes KROHN, Secretary of State at the Reich Ministry of Labour, and  
M. Ludwig DEHL, Rapporteur and Counsellor of Legation at the Ministry of Foreign Affairs ;

HIS MAJESTY THE KING OF DENMARK AND ICELAND :

M. Herluf ZAHLE, Chamberlain, Envoy Extraordinary and Minister Plenipotentiary at Berlin ;

Who, having exchanged their full powers, found in good and due form, have agreed as follows :

*Article 1.*

1. The legislative provisions of the contracting State in whose territory the employment on which insurance is based is carried on shall apply as a rule with respect to the administration of accident insurance. The following cases shall be exceptions to this rule :

(a) If an employee is sent by an establishment which has its head office in one State to undertake temporary employment in the territory of the other State, the legislative provisions of the State in which the establishment by which he is sent has its head office (in default of an establishment, the State in which the employer is domiciled) shall apply for a period of one year. The legislative provisions of this State shall also apply to employment which owing to its nature necessitates repeated sojourn in the territory of the other State for periods not exceeding six months on each occasion.

If employees belonging to one State are employed during the sojourn of the vessel in that State for loading or unloading work or repairs on board a seagoing vessel which is registered in the other State, the legislative provisions of the first-mentioned State shall apply.

(b) The insurance of employees :

(1) Of public transport undertakings of one State who are employed in the territory of the other State either permanently on junction lines or at frontier stations or temporarily ;

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<sup>1</sup> Translation of the International Labour Office.

(2) Of establishments belonging to the German Federation, the German States, communes or federations of communes, or of establishments belonging to Denmark or to Danish urban or rural communes or counties (*Købstads-, Land- og Amtskommuner*) who are employed in the territory of the other State,

shall be governed by the legislative provisions of the State in which is situated the branch of the establishment to which the employee in question is subordinated in respect of questions of employment. In the case of the German Federal Railway Company, the Danish State Railways and the General Post Offices of both States, the situation of their superior administrative department shall be the decisive factor.

A branch office or other permanent institution set up in one State by an establishment which has its head office in the other State shall also be deemed to be an establishment for the purposes of the provisions under (a) and (b).

In respect of the insurance of employees of the diplomatic service, the regular consular service and other official departments (Customs offices, passport offices, etc.) of one State which have their head offices in the other State, the legislative provisions of the State by which they are employed shall apply, provided that the employees in question are nationals of that State. The same rule shall apply to the insurance of employees of the heads or members or other officials of the departments mentioned above, provided that the employees in question are nationals of the State by which their employers are employed.

2. The supreme administrative authorities of the two States may by mutual agreement make arrangements differing from those laid down in No. 1 for a particular case or a group of cases.

3. If an accident occurring in one State is covered by the accident insurance laws of the other State, the provisions of the said laws shall also apply in so far as relates to other claims for compensation which may be made on account of the accident in conformity with the laws of the first State. This provision shall also apply when an establishment is liable to accident insurance under the laws of only one of the two States.

4. The application of the legislative provisions of one State in pursuance of Nos. 1 or 2 shall also entail the competence of the authorities and insurance carriers of that State in connection with the administration of accident insurance.

5. If in the case of an establishment which has its head office in one State the legislation of the other State is applicable under Nos. 1 or 2 to an employment in that State, the employment shall be placed on the same footing as an establishment for the purposes of the said legislation.

6. Accident relief which is substituted for accident insurance in the case of German officials shall be deemed to be equivalent to accident insurance for the purposes of this Agreement.

#### Article 2.

If in accordance with the legislation of one of the two contracting States expenditure has been incurred for compensation for an accident for which in pursuance of this Agreement compensation is payable in accordance with the legislation of the other State, the body liable in accordance with this Agreement shall refund the expenditure incurred up to the amount of the compensation payable by it for the same period.

#### Article 3.

Each of the two contracting States shall place the nationals of the other State and their surviving dependants on the same footing as its own nationals and their surviving dependants for the purpose of benefits under the accident insurance system.

Article 4.

If the application of the accident insurance laws of one State involves the calculation of earnings expressed in the currency of the other State, the amount of the earnings shall be converted according to a general basic rate of exchange which shall be fixed by the supreme administrative authority of each of the two States and communicated to the supreme administrative authority of the other State.

Article 5.

Occupiers of undertakings shall not be required to pay higher contributions for accident insurance in one State on the ground that their undertaking has its head office in the other State.

Article 6.

1. The accident insurance carriers in each State shall on request verify the continuance of the right to benefit of persons who receive compensation from an insurance carrier in the other State, and shall make provision for medical examinations, in the same manner as in connection with the administration of the accident insurance system of their own State. Any expenses incurred shall be defrayed by the insurance carrier which makes the request.

2. In connection with the administration of accident insurance, the administrative authorities and insurance carriers of each State shall give the administrative authorities and insurance carriers of the other State administrative assistance to the same extent as in connection with the administration of the accident insurance system of their own State. The administrative authorities and insurance carriers shall make the inquiries necessary for the elucidation of the facts to the same extent as in connection with the administration of the accident insurance system of their own State, even acting *ex officio* in doubtful or urgent cases.

3. Expenses incurred in connection with administrative assistance shall be refunded only to the same extent as in connection with the accident insurance system of the body concerned.

4. In connection with the administration of accident insurance, the law courts shall give legal assistance in conformity with the provisions in force for civil and commercial cases.

Article 7.

Claims for reimbursement under Articles 2 and 6 shall mature at the date of the termination of the official proceedings which have given rise to the expenditure, unless an agreement to the contrary has been concluded by the authorities concerned in the two States. The claims shall be paid within a month of their notification, in the currency in which they were incurred ; in case of delay, interest at 4 per cent. shall be paid from the date of maturity.

Article 8.

1. If a dispute between authorities or insurance carriers of the two States, as to whether the legislation of one or the other State is applicable, arises in any individual case, the supreme administrative authorities of the two States shall decide by mutual agreement.

2. Pending this decision, the accident insurance carrier which was first notified of a claim based on the employment in dispute may grant provisional relief ; the relief shall be fixed in each individual case by agreement between the German insurance carrier and the Workers' Insurance Council in Copenhagen. The accident insurance carrier may delegate to a sick fund the administration of the relief for which it is liable.

3. The insurance carrier which is ultimately liable shall refund to the insurance carrier which granted provisional relief the expenditure incurred in connection therewith. The second sentence of Article 7 shall apply *mutatis mutandis*.

4. The decisions taken jointly by the supreme administrative authorities of the two States in pursuance of No. 1 shall be definitive and shall be binding on the authorities therein mentioned and on the persons concerned. As soon as proceedings in pursuance of No. 1 have been instituted before the supreme administrative authority of either of the two States, any other proceedings which are pending shall be stayed.

*Article 9.*

The supreme administrative authorities of the two States shall give decisions by mutual agreement in disputes which arise respecting the application of Article 2, Article 6, Nos. 1-3, Article 7 and Article 8, No. 3, of this Agreement.

*Article 10.*

The provisions in force in each State for the administration of its own accident insurance system in respect of exemptions or reductions in connection with stamp duty or other fees shall apply in the same manner to the administration of the accident insurance system of the other State.

*Article 11.*

The supreme administrative authorities of the two States shall have power to supplement or amend the provisions of Article 8 by mutual agreement.

*Article 12.*

1. Regulations for the carrying out of this Agreement shall be issued by each of the two States independently in so far as is necessary for its territory ; the regulations shall be issued in Germany by the Federal Government or the authority appointed by it and in Denmark by the Government.

2. The regulations thus issued by each State shall be communicated to the corresponding authority of the other State.

*Article 13.*

The supreme administrative authorities of the two States shall come to an agreement respecting the manner in which :

(a) Payments in connection with the administration of the accident insurance system of each State may be effected in the territory of the other State as simply as possible and with the least possible expense ;

(b) Arrears of contributions or other claims arising out of insurance which are brought by an insurance carrier of one State against a debtor in the other State may be recovered.

*Article 14.*

The supreme administrative authority for the purposes of this Agreement shall be in Germany the Federal Minister of Labour and in Denmark the Ministry of Social Affairs.

*Article 15.*

The authorities and insurance carriers of the two States shall communicate with one another directly in connection with the carrying out of this Agreement.

*Article 16.*

1. This Agreement shall be ratified. The instruments of ratification shall be exchanged as soon as possible in Berlin.

2. The Agreement shall come into operation on the first day of the month next after the exchange of the instruments of ratification. It shall apply exclusively to accidents which have occurred after its coming into operation.

*Article 17.*

1. Either of the two States may denounce the Agreement by giving not less than one year's notice to take effect at the end of a calendar year.

2. Even after the Agreement has ceased to be operative, liabilities in connection with events giving rise to benefit which have occurred during the period of operation of the Agreement shall continue to be discharged by the insurance carriers which are liable under the Agreement.

In faith whereof the Plenipotentiaries have signed the present Treaty and have thereto affixed their seals.

Done in duplicate, in the German and Danish languages, at Berlin, the 19th day of July, 1933.

(L. S.) Herluf ZAHLE.

(L. S.) Dr. Johannes KROHN.

(L. S.) Ludwig DEHL.