

N° 4327.

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**PAYS-BAS ET SUISSE**

**Convention en matière d'assurance contre  
les accidents du travail. Signée à  
Berne, le 27 janvier 1937.**

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**THE NETHERLANDS  
AND SWITZERLAND**

**Convention regarding Insurance against  
Industrial Accidents. Signed at Berne,  
January 27th, 1937.**

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 4327. — CONVENTION<sup>2</sup> BETWEEN THE NETHERLANDS AND SWITZERLAND REGARDING INSURANCE AGAINST INDUSTRIAL ACCIDENTS. SIGNED AT BERNE, JANUARY 27TH, 1937.

*French official text communicated by the Netherlands Minister for Foreign Affairs. The registration of this Convention took place April 11th, 1938.*

HER MAJESTY THE QUEEN OF THE NETHERLANDS and THE SWISS FEDERAL COUNCIL, in pursuance of Article 2 of the Convention concerning equality of treatment for foreign and national workers as regards workmen's compensation for accidents adopted as a draft Convention by the International Labour Conference at its Seventh Session on June 5th, 1925, the ratification of which by the Netherlands and Switzerland was registered at the Secretariat of the League of Nations on September 13th, 1927, and February 1st, 1929, respectively,

Have decided to settle the relations between the Netherlands and Switzerland respecting insurance against industrial accidents and have appointed as their Plenipotentiaries :

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

His Excellency Ridder Carel van RAPPARD, Envoy Extraordinary and Minister Plenipotentiary of the Netherlands ;

THE SWISS FEDERAL COUNCIL :

Federal Councillor H. OBRECHT, Head of the Federal Department of Economic Affairs ;

Who, being duly empowered to that effect, have agreed upon the following provisions :

*Article 1.*

Undertakings which are covered by the laws relating to obligatory compensation for the consequences of industrial accidents in conformity with the legislation of the two Contracting Parties and which have their head office in the territory of one of the said Parties but carry on operations also in the territory of the other Party, shall, with respect to work carried on in the territory of each of the Parties, be exclusively subject to the legislation of the Party in whose territory the work is carried on, without prejudice to the exceptions provided for in Articles 2 and 3.

*Article 2.*

If work covered by Article 1 is performed by persons who have their domicile in the territory of the Party where the undertaking has its head office, the legislation of that Party shall apply exclusively.

<sup>1</sup> Traduction du Bureau international du Travail.

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

<sup>2</sup> The exchange of ratifications took place at Berne, February 5th, 1938. Came into force April 1st, 1938.

Article 3.

In the case of transport undertakings (transport by land, water or air) which have their head office in the territory of one of the two Parties and carry on operations also in the territory of the other Party, only the legislation of the Party in whose territory the undertaking has its head office shall apply to the travelling staff of the undertaking, irrespective of the extent of the operations carried on in the territory of each of the two Parties. Members of the travelling staff shall continue to be subject to the said legislation even if they are employed on work belonging to other sections of the undertaking and carried out in the territory of the other Party.

The provision laid down in the preceding paragraph shall apply to undertakings covered by Article 1 which use means of transport for the carrying on of their operations and exclusively for their own requirements.

Article 4.

In so far as the undertakings covered by Articles 1 and 3 are subject to the legislation of one of the Parties in pursuance of the said Articles, that legislation shall apply to the persons employed in the said undertakings, even if the persons in question are not domiciled in the territory of the said Party.

Article 5.

In the case of an accident covered by the law in force in the territory of one of the Parties respecting compensation for injuries caused by industrial accidents, claims other than those allowed by the legislation of the Party whose accident compensation law is applicable shall not be admissible, independently of the claim based on the said law.

Article 6.

In connection with the administration in the territory of one Party of the laws of the other Party relating to industrial accidents, the competent administrative and judicial authorities shall aid one another and give one another legal assistance in conformity with the provisions of the agreements in force between the two Parties respecting civil and commercial matters. In urgent cases, the authorities shall make the necessary inquiries, even acting *ex officio*, in the same manner as in connection with the administration of the law of their own States.

The competent authority for carrying out a rogatory commission shall be :

(a) In the Netherlands, the chairman of the Accident Insurance Appeal Council (Raad van Beroep voor de Ongevallenverzekering) within the jurisdiction of which the commission is to be carried out ;

(b) In Switzerland, the Swiss National Accident Insurance Institution (Caisse nationale suisse d'assurance en cas d'accidents) for questions of an administrative nature, and the competent Cantonal Insurance Tribunal (Tribunal cantonal des assurances du for) for questions of a judicial nature.

The legal provisions governing procedure before the Appeal Councils (Raden van Beroep) shall apply to procedure before the chairman, *mutatis mutandis*.

Article 7.

The provisions in force in the territory of either of the two Parties which grant exemptions from fees, stamp duty and other fiscal charges in connection with industrial accidents, including the provisions relating to the drawing up or issue free of charge of instruments, certificates or documents, shall be observed when the accident insurance legislation of the other Party must be applied in the territory of the first-mentioned Party.

*Article 8.*

The provisions of Articles 5, 6 and 7 shall apply likewise, irrespective of the place where an undertaking has its head office, if the undertaking carries on its activities and is subject to insurance in the territory of one of the two Parties only.

*Article 9.*

Whenever it is necessary in connection with the application of the industrial accident laws of either of the two Parties to express the value of wages fixed in the currency of the other Party, the conversion shall be effected on the basis of an average value, which shall be fixed by each of the two Governments for the administration of its legislation and shall be communicated to the other Government.

*Article 10.*

This Convention shall not apply to the territory of the Kingdom of the Netherlands situated outside Europe.

*Article 11.*

This Convention shall be ratified and the instruments of ratification shall be exchanged in Berne as soon as possible.

The Convention shall come into operation one month after the first day of the month next following the exchange of the instruments of ratification.

The Convention may be denounced at any time by either of the two Contracting Parties and shall cease to be operative at the end of the calendar year next following the denunciation.

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

Done at Berne in duplicate, the 27th day of January, 1937.

(L. S.) C. VAN RAPPARD.

(L. S.) OBRECHT.