

N° 1769.

ALLEMAGNE, FRANCE ET
COMMISSION
DE GOUVERNEMENT DU
TERRITOIRE DE LA SARRE

Protocole concernant la réglementation de la circulation des ouvriers à la frontière sarro-allemande, avec protocole de signature. Signés à Sarrebruck, le 14 septembre 1926.

GERMANY, FRANCE AND
SAAR TERRITORY
GOVERNING COMMISSION

Protocol regarding the Regulation of the Workmen's Traffic on the Saar-German Frontier, with Protocol of Signature. Signed at Saarbruck, September 14, 1926.

TEXTE ALLEMAND. — GERMAN TEXT.

N^o 1769. — PROTOKOLL ÜBER DIE REGELUNG DES ARBEITERVERKEHRS AN DER DEUTSCH-SAARLÄNDISCHEN GRENZE, GEZEICHNET IN SAARBRÜCKEN, AM 14. SEPTEMBER 1926.

French and German official texts communicated by the Minister for Foreign Affairs of the French Republic. The registration of this Protocol took place July 7, 1928.

DIE REGIERUNGSKOMMISSION DES SAARGEBIETS, DIE DEUTSCHE UND DIE FRANZÖSISCHE REGIERUNG sind der Überzeugung gewesen, dass der an der deutsch-saarländischen Grenze herrschende rege Verkehr von Arbeitern und Angestellten, insbesondere der im deutschen Zollgebiet wohnenden, im Saargebiet beschäftigten Arbeiter und Angestellten, sowohl im Interesse dieser Personen selbst wie im allgemeinen wirtschaftlichen und sozialen Interesse der Einräumung einiger besonderer Erleichterungen, namentlich im Hinblick auf die gegenwärtigen Verhältnisse, vorbehaltlich etwaiger späterer Änderung, Einschränkung oder Aufhebung, bedarf und haben demgemäß folgendes verabredet :

ABSCHNITT I.

PERSÖNLICHE ERLEICHTERUNGEN.

Artikel 1.

Die in dem einen Gebiet wohnenden und im anderen Gebiet beschäftigten Arbeiter und Angestellten jeder Art, ohne Unterschied, ob sie nach Tages-, Wochen- oder Monatsschluss von ihrer Arbeitstätte an ihren Wohnort zurückkehren, haben das Recht, sich in das gegenüberliegende Gebiet zu begeben und sich dort eine angemessene Zeit aufzuhalten.

Diese Bestimmung gilt auch für den Besuch von Krankenhäusern und Heilanstalten.

Als Ausweis gilt allgemein, auch im Eisenbahnverkehr, die auf beiden Seiten der Grenze übliche Ausweiskarte.

Die allgemeinen Vorschriften über das Meldewesen, insbesondere über den dauernden Aufenthalt im Saargebiet, und über die Ausstellung von Arbeiter-Legitimationskarten werden durch diese Bestimmung nicht berührt.

¹ Came into force June 1, 1928.

¹ TRADUCTION. — TRANSLATION.

No. 1769. -- PROTOCOL REGARDING THE REGULATION OF THE WORKMEN'S TRAFFIC ON THE SAAR-GERMAN FRONTIER. SIGNED AT SAARBRUCK, SEPTEMBER 14, 1926.

THE GOVERNING COMMISSION OF THE SAAR TERRITORY, THE GERMAN GOVERNMENT and THE GOVERNMENT OF THE FRENCH REPUBLIC have come to the conclusion that the movement of workmen and employees on the Saar-German frontier, and especially of workmen and employees residing in German Customs territory and employed in the Saar Territory, now takes place on a scale which necessitates the granting of certain special facilities, subject to future modification, restriction or repeal, both in the interest of such persons and in the general and economic interest, particularly in view of the present situation, and they have accordingly agreed as follows :

SECTION I.

FACILITIES FOR INDIVIDUALS.

Article 1.

Workmen and employees of every description residing in one territory and employed in the other, whether returning to their permanent residence from their place of employment at the end of the day, week or month, shall have the right to proceed to such territory and to remain there for a reasonable period.

This provision shall also apply to any period spent in hospitals and convalescent homes.

The identity card in use on both sides of the frontier shall as a general rule be regarded as sufficient evidence of identity, even when the holder travels by rail.

The general provisions regarding police notification, and especially those relating to the permanent *permis de séjour* in the Saar Territory and to the issue of workmen's identity cards, shall not be affected by the present stipulations.

SECTION II.

FACILITIES FOR GOODS, ANIMALS, ETC.

Article 2.

Workmen and employees are authorized, in order to reach and return from their place of employment, to use bicycles free of Customs and all other duties, notwithstanding any export

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

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

or import prohibitions, provided they observe the supervisory measures issued for the purpose by the Customs authorities on both sides of the frontier.

Article 3.

Workmen and employees may take with them free of Customs and all other duties and notwithstanding any import or export prohibitions, reasonable amounts of food and household provisions for their own consumption during their stay at their place of employment (victuals either prepared or unprepared).

If they avail themselves of these facilities, they must produce their identity cards and workmen's cards whenever they are required to do so by the Customs officers. Workmen's cards must be made out by the employer and certified correct by the competent local authority for the place of permanent residence of the workman or employee.

Article 4.

Workmen and employees are authorised to take with them from the other territory to their place of permanent residence free of Customs and other duties and notwithstanding any import or export prohibitions, food and household provisions, and also the articles enumerated in the following list, but solely for use or consumption in their own households :

1. Food, small household provisions and household soap :

| | For workmen and employees | |
|-----------------------------------------------------------------------------------------------------|---------------------------|------------------|
| | Householders | Not householders |
| A. Meat, fresh or simply prepared, bacon and sausages, up to a quantity not exceeding in all | 2 kg | 1 kg |
| B. Ordinary milling and baking products, up to a quantity not exceeding in all | 3 kg | 1 kg 500 |
| C. Alimentary pastes (vermicelli, etc.) up to a quantity not exceeding | 0 kg 500 | 0 kg 250 |
| D. Butter, margarine, fat, oil, up to a quantity not exceeding in all | 1 kg | 0 kg 500 |
| E. Potatoes up to a quantity not exceeding | 10 kg | 5 kg |
| F. Coffee (roasted or green) up to a quantity not exceeding | 0 kg 500 | 0 kg 250 |
| G. Sugar, up to a quantity not exceeding | 1 kg | 0 kg 250 |
| H. Household soap up to a quantity not exceeding | 0 kg 500 | 0 kg 250 |

The articles enumerated above under A to D may only be taken across the frontier twice a week, those enumerated under E to H only once a week.

The Customs authorities on both sides of the frontier are authorised to restrict the above list by agreement, or to supplement it by agreement when there is urgent need for doing so, either by increasing the quantities provided or by adding to it other articles of food and household provisions.

2. Articles normally required for everyday use (excluding all luxury articles, such as silk or artificial silk garments, patent leather shoes, linen trimmed with lace, etc.).

A. Clothing :

For each member of the same household (for a period of one year) :

- One suit or dress ;
- One hat or cap ;
- One pair of boots or shoes ;

Two undergarments ;
Four pairs of stockings.

For the actual workmen and employees (the articles enumerated above for a period of six months).

B. Utensils in everyday use in the house or kitchen or for domestic use, of iron, rough or worked (excluding articles of nickel or plated with nickel, copper, or copper or aluminium alloy) or of wood, earthenware, stone and glass (excluding articles carved, decorated or similarly worked) ; further, brooms, ordinary brushes and also ordinary wicker-work made from vegetable substances (excluding woven vegetable fibres). — For workmen and employees only who are householders, and up to a quantity not exceeding 4 kg. in all per month. Importation or exportation may only take place on the particular day in the first week of each month prescribed by the Customs authorities on both sides of the frontier.

For the purposes of the above clauses Nos. 1 and 2, the expression " workmen and employees who are householders " shall be deemed to include workmen and employees who, while not heads of household, are members of the household of their parents or other relations, and whose contribution is essential for the support of such household.

The facilities provided for above shall only be accorded on the production by the workman or employee of a workman's household card, made out by the officials of the Mairie (*Bürgermeisteramt*) competent to do so for their place of permanent residence. The employer must certify on the card by his signature that the particular workman or employee is in his service. The Customs authorities on both sides of the frontier shall mutually decide on the form which the workman's household card is to take ; it must give the names and ages of the members of the household and also indicate the kind and quantity of the various provisions, household supplies and articles in everyday use allowed. The Customs authorities shall further take all the necessary measures for the supervision of this traffic.

All provisions and small household supplies, together with the household articles in everyday use enumerated in Nos. 1 and 2 above, must be presented at the competent frontier Customs Office, and may be imported or exported only by the legal routes prescribed and on the days fixed for their importation and exportation by the Customs authorities on both sides of the frontier. The hours at which the Customs formalities may be completed shall be fixed by agreement between the Customs authorities on both sides of the frontier for the different points at which the frontier may be crossed. Customs operations shall be carried out as a general rule during legal hours ; nevertheless, as far as possible, provision for passing goods through the Customs will be made for workmen and employees who, in consequence of the hour at which their shift ends, cross the frontier outside the legal hours.

Article 5.

Workmen and employees, provided they belong to a health insurance organisation in the other territory, may import or export free of Customs and other duties and notwithstanding any import or export prohibition, medicines and surgical dressings for their own use obtained from the particular pharmacies prescribed by the above-mentioned insurance organisation.

They are required, when requested by the Customs officials to do so, to furnish proof of their right to import or export the articles in question by producing a certificate from the health insurance organisation and their workmen's card.

Article 6.

Workmen and employees shall have the right to take with them to their place of permanent residence free of Customs and other duties and notwithstanding any import or export prohibition, reasonable quantities of food, small household supplies and fodder for their own use, and within

the limits hitherto customary, which they obtain as "Deputat", *i.e.*, as part of their wages, but only for use in their own household or in their work.

The agreement according remuneration in kind, the identity card and the workman's card must be produced if the Customs officials so require.

Article 7.

Workmen and employees may take with them to their place of permanent residence the weekly or the monthly wages earned at their place of employment, and in special cases may have them taken by persons acting for them.

The same applies to persons in receipt of annuities and pensions in respect of the annuities and pensions paid to them in the other territory.

On the request of the supervisory officials, the identity card and the workman's card must be produced, or in the case of annuitants and pensioners and of all persons carrying money for others, a certificate from the office at which payment was made.

Article 8.

Workmen and employees in coal-mines in the Saar Territory residing in German Customs territory, including disabled miners and miners' widows, may take from the Saar Territory to their place of permanent residence, by rail and by road, free of Customs and other duties and notwithstanding any import or export prohibition, the coal extracted from these mines granted them as "Deputat" for their own consumption.

The same favour is accorded to employees and workmen in mines and foundries in respect of chemical fertilisers (sulphate of ammonia, Thomas slag, etc.) granted to them as "Deputat".

When such goods are carried by rail, the owner's right must be established by the production of an attestation from the employer on the way-bill to the effect that they are of the nature of "Deputat".

When such goods are conveyed by land (road or path), the driver must hold and, when requested to do so by the Customs office, must produce an attestation from the employer clearly showing that they are in the nature of "Deputat". The attestation must indicate the quantity of the goods and the name of the consignee.

In the case of collective consignments a list must be produced, endorsed by the employer, giving the name and the permanent residence of the persons entitled to them and also the quantities intended for each individual.

Article 9.

In order to prevent the facilities provided in Articles 2 to 8 being abused, the Customs authorities on both sides of the frontier shall, immediately on the entry into force of the present Protocol, introduce the requisite supervisory measures. They shall endeavour to make these measures as simple and as uniform as possible on both sides of the frontier. The Customs authorities shall communicate these measures to one another and shall also take steps to bring them to the notice of the persons concerned in an appropriate manner.

If serious abuses should occur in connection with the above-mentioned facilities, the Customs authorities on both sides of the frontier may, without prejudice to subsequent legal proceedings and to the recovery of any Customs dues and fines which may be payable, temporarily restrict or suspend one or other of these facilities for individual workmen and employees or for the whole of the personnel of any particular concern, or exclude temporarily from these facilities some special article. The Customs authorities on both sides of the frontier shall acquaint each other, with the least possible delay, with any measure of this kind.

SECTION III.

FINAL PROVISIONS.

Article 10.

The regulations regarding sanitary and veterinary control, police and phytopathological measures shall not be affected by the foregoing provisions.

Article 11.

On the expiry of a period of six months from the coming into force of the present Protocol the Governing Commission of the Saar Territory, the German Government and the French Government shall have the right to denounce it during the first half of each month with effect as from the end of the month following denunciation.

Should the Protocol be denounced, the Governing Commission of the Saar Territory, the German Government and the French Government undertake to enter into negotiations within a fortnight and to consider whether the Protocol shall be abrogated or amended.

If it appears necessary to amend it, the validity of the present Protocol may be extended by a simple exchange of notes until the coming into force of the amended text.

Article 12.

The date of the coming into force of the present Protocol shall be agreed upon by an exchange of notes between the Governing Commission of the Saar Territory, the German Government and the French Government.

In faith whereof the undersigned Plenipotentiaries, having communicated their full powers found in good and due form, have signed the present Protocol and affixed their seals thereto.

Done in triplicate at Saarbrück, September 14, 1926.

(Signed) J. MORIZE.

(Signed) Dr OBÉ.

(Signed) FHR. V. MIRBACH.

(Signed) RIEDER.

PROTOCOL OF SIGNATURE.

On signing the Protocol of to-day's date concerning the regulation of the movement of workmen on the Saar-German frontier, the undersigned Plenipotentiaries of the Governing Commission of the Saar Territory, of the German Government and of the French Government made the following declarations :

I.

It is agreed that the provisions of Articles 1, 2, 3, 7, 8 (with the exception of paragraph 2), 9 and 10 of the Protocol shall enter into force as from November 1st, 1926. Measures shall be taken to secure the entry into force of the present Protocol as speedily as possible.

The German Government shall further continue to grant, within the limits of the Protocol, the Customs exemptions hitherto accorded by it to employees and workmen residing in the frontier zone in respect of the goods referred to in Article 4, No. 1a (with the exception of sausages) and No. 1b; the French Customs Administration shall accord the corresponding export facilities.

2.

It is agreed that goods which, in virtue of the provisions of the Protocol, may be imported subject to special privileged Customs treatment into either of the Customs territories shall not be included in any quotas of goods of this nature which are or may be sanctioned by general agreements between the French and German Governments for import into or export from the Saar Territory.

3.

It is agreed that the French and German Customs administrations shall retain complete liberty to accord facilities more extensive than those granted in the various provisions of the Protocol, provided they are empowered to do so by the provisions of their general Customs legislation.

4.

It is agreed that expressions such as " German-Saar " have been employed merely for convenience, and must not in any way be regarded as determining boundary relations from the point of view of public law.

5.

The German Government declares that in its opinion the privileges provided for in Articles 4 and 5 of the Protocol should have been extended to persons residing in either of the territories who receive annuities or any other kind of benefit from an insurance organisation established in the other territory. It regrets that the French Government has not been able to give effect to this suggestion, and reserves the right to return to the matter later.

The French Government declares that owing to the large number of social insurance beneficiaries, it feels bound to confine the exceptionally favourable facilities provided in the Protocol to employees and workmen who have occasion to cross the frontier frequently, and that the possibility of extending these facilities to other beneficiaries should not be considered until experience permits of a definite conclusion being drawn with regard to the application of the Protocol.

SAARBRUCK, *September 14, 1926.*

(Signed) J. MORIZE.

(Signed) Dr. OBÉ.

(Signed) Frhr. v. MIRBACH.

(Signed) RIEDER.