

N° 1650.

**ALLEMAGNE,
VILLE LIBRE DE DANTZIG
ET POLOGNE**

Accord relatif à l'application de l'article 312 du Traité de Versailles du 28 juin 1919. Signé à Berlin, le 24 janvier 1927.

**GERMANY,
FREE CITY OF DANZIG
AND POLAND**

Agreement regarding the Application of Article 312 of the Treaty of Versailles of June 28, 1919. Signed at Berlin, January 24, 1927.

¹ TRANSLATION.

No. 1650. — AGREEMENT BETWEEN GERMANY, THE FREE CITY OF DANZIG AND POLAND REGARDING THE APPLICATION OF ARTICLE 312 OF THE TREATY OF VERSAILLES, OF JUNE 28, 1919. SIGNED AT BERLIN, JANUARY 24, 1927.

With a view to the conclusion of an agreement regarding the application of Article 312 of the Treaty of Versailles, as between THE GERMAN REICH and THE FREE CITY OF DANZIG, and also, in regard to railway employees in the territory of the Free City of Danzig, as between THE POLISH REPUBLIC and THE GERMAN REICH, the respective Parties have appointed as their Plenipotentiaries the following :

POLAND :

Dr. Witold PRADZYŃSKY, Member of the Codification Commission of the Polish Republic; and

Dr. Mieczysław MARCHLEWSKY, Councillor of Legation ;

Acting under Article 104, paragraph 6, of the Treaty of Versailles, on behalf of the Free City of Danzig as a Party to that Treaty, and also, as regards railway employees' insurance (Article III of the Agreement set forth below), on behalf of Poland as a Party to the Treaty :

GERMANY :

Dr. Erich WALLROTH, Director at the Ministry of Foreign Affairs; and
M. Andreas GRIESER, Director at the Reich Ministry of Labour;

Who, having examined their full powers, found in good and due form, have agreed upon the following :

Article 1.

A. HEALTH INSURANCE.

Paragraph 1.

It is agreed that no special arrangements are necessary in regard to health insurance and that no reciprocal claims exist on this head.

B. ACCIDENT INSURANCE.

Paragraph 2.

The Free City of Danzig shall, in accordance with the legal regulations in force in its territory, become responsible for the following :

(1) On and after January 1, 1924, payment of compensation to the persons entitled, regardless of their nationality, who at that date were domiciled in the territory of the

¹ Translated by the Secretariat of the League of Nations.

Free City of Danzig, provided a German industrial accidents insurance organisation was liable at that date.

(2) On and after January 1, 1923, payment of compensation to the persons entitled, regardless of their nationality, who at that date were domiciled in the territory of the Free City of Danzig, provided a German agricultural accidents insurance organisation was liable at that date.

The term "persons entitled" shall include not only persons in receipt of annuities whose annuities had already been fixed at the date in question, but also persons who were granted an annuity after that date or who may be granted an annuity hereafter in respect of an accident occurring before that date.

Paragraph 3.

Compensation relating to the period before the dates indicated in paragraph 2 (arrears of annuities, cost of medical treatment, etc.) shall be payable by the German insurance organisation which was at that time liable to pay compensation for the consequences of the accident.

C. DISABLEMENT AND SURVIVING DEPENDENTS' INSURANCE.

Paragraph 4.

As from January 1, 1923, the Free City of Danzig undertakes, in accordance with the legal regulations in force in its territory, to grant disablement benefit and surviving dependents' benefit to the persons entitled, regardless of their nationality, who at that date were domiciled in the Free City of Danzig, provided a German insurance organisation was liable at that date.

The benefits referred to in the preceding paragraphs shall also cover any which were granted after January 1, 1923, or may be granted hereafter, in respect of a period including that date.

Paragraph 5.

Paragraph 3 shall apply *mutatis mutandis*.

Paragraph 6.

The Reich subsidies in respect of the annuities which are to be taken over by Danzig shall become payable by the Free City of Danzig as from January 1, 1923. The Free City of Danzig shall similarly pay the Reich subsidies in respect of annuities fixed on or after January 1, 1923, by the insurance organisation established for its territory.

Paragraph 7.

When determining the right to an annuity or calculating insurance benefits, the insurance organisations and authorities of the Free City of Danzig shall take into account, in accordance with the legal regulations in force in Danzig, contributions duly paid for the period ending December 31, 1922, to German State insurance institutions (*Landesversicherungsanstalten*) and to special institutions, and any consideration in lieu thereof which is to be regarded as equivalent to such contributions, if at the above-mentioned date the insured person was domiciled in the territory of the Free City of Danzig or, in the event of the insured person having died before that date, if his surviving dependents were domiciled in the territory of the Free City of Danzig at that date. No further claims in respect of the above-mentioned contributions or consideration in lieu thereof may be preferred against German insurance organisations.

D. EMPLOYEES' INSURANCE.

Paragraph 8.

As from December 1, 1923, the Free City of Danzig shall undertake, in accordance with the legal regulations in force in its territory, to grant employees' insurance benefits to the persons entitled, regardless of their nationality who were domiciled at that date in the territory of the Free City of Danzig, provided a German insurance organisation was liable at that date.

The benefits referred to in the preceding paragraph shall also cover any which were granted after December 1, 1923, or which may be granted hereafter, in respect of a period including that date.

Paragraph 9.

Paragraph 3 shall apply *mutatis mutandis*.

Paragraph 10.

When determining the right to an annuity or calculating insurance benefits, the insurance organisations and authorities of the Free City of Danzig shall take into account, in accordance with the legal regulations in force in Danzig, contributions duly paid for the period ending November 30, 1923, to the Reich Insurance Institute or to approved German employees' insurance funds (*Ersatzkassen für Angestelltenversicherung*) and also any consideration in lieu thereof which is to be regarded as equivalent to such contributions, if at the above-mentioned date the insured person was domiciled in the territory of the Free City of Danzig, or, in the event of the insured person having died before that date, if his surviving dependents were then domiciled in the territory of the Free City of Danzig. No further claims in respect of the above-mentioned contributions or consideration in lieu thereof may be preferred against German insurance organisations.

Paragraph 11.

Danzig will not assume responsibility for contingent benefits payable to employees who under the Danzig Employees' Insurance Law are not subject to compulsory insurance, but who have acquired the right to obtain contingent benefit from an approved German fund and who remain in possession of this right continuing to pay their contributions to such fund.

Right to contingent benefit shall also be deemed to be retained if the contributions due after January 1, 1924, are paid within six months of the coming into force of the present Agreement.

E. GENERAL PROVISIONS.

Paragraph 12.

The Free City of Danzig and the German Reich shall recognise as valid awards made up to November 1, 1926, by the insurance organisations and authorities of either Party if such awards have become *res judicatae*.

Paragraph 13.

The insurance authorities of the Free City of Danzig shall decide such claims to accident, disablement and employees' insurance benefit coming under the present Agreement as are not *res judicatae* on its entry into force, if, under the present Agreement, the liability would fall on a Danzig insurance organisation. The same rule shall apply to subsequent claims.

If the insurance authority finds a Danzig insurance organisation liable it may, as circumstances require, find a German insurance organisation liable for payment of benefits for the period prior to the date laid down in the present Agreement. In such a case the insurance authority must cite the German organisation as a party to the procedure. If the insurance authority finds that the Danzig insurance organisation is not liable, and if it is satisfied that the benefits are payable by a German insurance organisation, it shall transmit the documents in the case to the Reich Insurance Office.

Paragraph 14.

The authorities and insurance organisations of the Free City of Danzig and of the German Reich shall accord each other, free of charge, assistance in the execution of the present Agreement.

Paragraph 15.

Decisions of the insurance organisations and authorities of either Party which have become *res judicatae* shall, in so far as the application of the present Agreement is concerned, be executed in the territory of the other Party in the same way as if the body which gave the decision belonged to the latter Party.

Paragraph 16.

The insurance organisations of both Parties shall exchange their dossiers of cases direct and free of charge whenever necessary for the execution of the present Agreement.

Paragraph 17.

The Free City of Danzig shall arrange that receipt-cards issued in the name of the West Prussian State Institute for Disablement Insurance, including the cards which were returned after December 31, 1922, or which may be returned hereafter, shall be kept until further notice by its own insurance organisation.

The German Government shall arrange that the above-mentioned receipt-cards belonging to insured persons residing outside the territory of the Free City of Danzig shall be collected without delay by the German institutions and kept by them. They shall be despatched at the cost of the German institutions, which will also bear the administrative expenses connected with this operation. Details shall be arranged by joint agreement between the insurance institutions concerned.

Article 2.

FINANCIAL PROVISIONS.

Paragraph 18.

The ownership of the premises in the possession of the state Institute for Disablement Insurance of the Free City of Danzig, namely, the administrative offices at Karrenwall 2, and the convalescent home at Pelonken IV. Hof, Oliva, and all the internal equipment of both establishments at the time of the conclusion of the present Agreement, shall be transferred to the State Institute for Disablement Insurance of the Free City of Danzig.

On and after January 1, 1923, the usufruct of this property shall be held by the above-mentioned insurance institute, which shall also bear the liabilities in respect thereof from that date onwards.

In satisfaction of all claims in respect of accident, disablement and employees' insurance, the German Reich shall pay the Free City of Danzig (on behalf of the State Institute for Disablement Insurance, the State Institute for Employees' Insurance, the Accident Insurance Society and the Agricultural Accident Insurance Society) a lump sum of 5,500,000 gold marks. The value of the

above-mentioned property shall be represented in this sum by the amount of 500,000 gold marks. The term "gold mark" shall be taken to mean the official price of $\frac{1}{2790}$ kg. of fine gold.

Paragraph 19.

No deed of conveyance (*Auflassung*) shall be necessary for the transfer of the property referred to in Paragraph 18. The change of ownership shall be entered in the land register in virtue of the present Agreement, and shall be free of taxes and dues.

Paragraph 20.

The sums paid out as benefits up to December 31, 1923, by the postal administrations of both Parties at the orders of the insurance organisations shall not be refunded.

Paragraph 21.

By the transfer of property, under the terms of the present Agreement, to the Free City of Danzig, the German Government and the German insurance organisations shall be released from all obligations relating to insurance which are transferred to the Free City of Danzig under the present Agreement.

Article 3.

INSURANCE OF RAILWAY EMPLOYEES.

Paragraph 22.

On January 13, 1927, the Polish Republic and the Free City of Danzig concluded an Agreement regarding the social insurance of Polish State railway workers and employees serving in the territory of the Free City of Danzig.

In that Agreement it was arranged that the Polish Republic should become responsible for :

(a) Contingent benefit in respect of disablement insurance acquired by workers and employees serving under the Danzig Railway Board of Management and in the railway offices situated in Danzig territory ;

(b) The annuities of beneficiaries of the former Railway Pensions Fund A of the Prussian-Hessian Railways (*Preussisch-Hessische Eisenbahngemeinschaft*) and the Reich Railway Workers Pensions Fund I, Section A, if such beneficiaries were resident, on January 1, 1924, in the territory of the Free City of Danzig or of the Polish Republic ;

(c) Accident insurance annuities of the former Prussian Railway Board of Management at Danzig, if the beneficiaries were resident on December 1, 1921, in the territory of the Free City of Danzig or of the Republic of Poland.

Paragraph 23.

It is understood that the financial settlement arranged in Article 2 of the present Agreement shall not cover the question of claims for the transfer of reserves in respect of the annuities and contingent benefit referred to in Paragraph 22, and that, in the calculation of the amount of these reserves, the principles laid down in Article 2 of the Agreement shall be applied. It is further understood that the financial settlement arranged in Article 2 of the present Agreement shall not apply to insurance in the former Railway Pensions Fund B of the Prussian-Hessian Railways (*Preussisch-Hessische Eisenbahngemeinschaft*) and the Reich Railway Workers' Pensions Fund I, Section B.

The Polish Republic, the Free City of Danzig and the German Reich agree that it is for the Polish Republic to submit the claims, recognised by the first paragraph above, for the transfer of the reserves.

Article 4.

FINAL PROVISIONS.

Paragraph 24.

The above Agreement is drawn up in triplicate in Polish and German, each Contracting Party receiving a copy in both languages. The Polish and German texts concord and are equally authentic.

Paragraph 25.

The present Agreement shall be ratified. The instruments of ratification shall be exchanged as soon as possible at Warsaw. The Agreement shall come into force on the first day of the month following the exchange of the instruments of ratification.

BERLIN, *January 24, 1927.*

(L. S.) Dr. Witold PRĄDZYŃSKI.

(L. S.) Dr. Mieczysław MARCHLEWSKI.

(L. S.) Dr. Erich WALLROTH.

(L. S.) Andreas GRIESER.

PROTOCOL OF SESSION.

On signing the attached Agreement, the undersigned Plenipotentiaries adopted the following provision regarding Paragraph 18 :

“ The provisions of Paragraph 18 of the Agreement shall in no way prejudice the decision to be taken as to whether the sum of 5,500,000 gold marks to be paid to the Free City of Danzig shall be included in the annual payments provided for in the experts' plan or whether this sum shall be paid separately from the annual payments.”

Done in German and Polish.

BERLIN, *January 24, 1927.*

(L. S.) Dr. Witold PRĄDZYŃSKI.

(L. S.) Dr. Mieczysław MARCHLEWSKI.

(L. S.) Dr. Erich WALLROTH.

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