

N° 1915.

AUTRICHE ET ITALIE

Convention concernant l'établissement d'assurances contre les accidents des ouvriers pour la Haute-Autriche, le Salzbourg, le Tyrol et le Vorarlberg à Salzbourg, et protocole additionnel. Signés à Vienne, le 27 septembre 1924.

AUSTRIA AND ITALY

Convention regarding the Workmen's Accident Insurance Organisation at Salzburg for Upper Austria, Salzburg, the Tyrol and Vorarlberg, with Additional Protocol. Signed at Vienna, September 27, 1924.

¹ TRADUCTION. — TRANSLATION.

No. 1915. — CONVENTION² BETWEEN AUSTRIA AND ITALY REGARDING THE WORKMEN'S ACCIDENT INSURANCE ORGANISATION AT SALZBURG FOR UPPER AUSTRIA, SALZBURG, THE TYROL AND VORARLBERG. SIGNED AT VIENNA, SEPTEMBER 27, 1924.

French official text communicated by the Italian Minister for Foreign Affairs and the Federal Chancellor of the Austrian Republic. The registration of this Convention took place January 10, 1929.

THE KINGDOM OF ITALY and THE REPUBLIC OF AUSTRIA, being desirous of concluding, in execution of Article 275 of the Treaty of Saint-Germain, a convention regarding the Workmen's Accident Insurance Organisation at Salzburg for Upper Austria, Salzburg, the Tyrol and Vorarlberg (*Unfallversicherungsanstalt für Oberösterreich, Salzburg, Tirol und Vorarlberg in Salzburg*), hereinafter described as "the Insurance Organisation", have appointed as their Plenipotentiaries:

HIS MAJESTY THE KING OF ITALY:

Dr. Ulysses GOBBI, Professor,

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA:

M. Wilhelm THAA, formerly Head of Section,

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

Article I.

A. DISTRIBUTION OF INSURANCE LIABILITIES.

1. As regards liabilities resulting from insurance concluded up to the end of December 1918 by the Insurance Organisation and recognised at that date or recognised between that date and the coming into force of the present Convention, the Kingdom of Italy shall assume that portion of these liabilities resulting from the following accidents within the meaning of the Austrian Law on workmen's accident insurance dated December 28, 1887, Imperial Law Gazette No. 1 ex 1888, and its supplementary laws:

(a) Accidents occurring up to the end of December 1918 in an industrial establishment situated in the part of the former territory of the said organisation transferred to the Kingdom of Italy by the Treaty of Saint-Germain;

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.

² The exchange of ratifications took place at Vienna, August 17, 1928.

(b) Accidents happening up to the end of December 1918 in other parts of the former territory of the said Organisation to persons possessing Italian nationality on December 31, 1923, and domiciled at that time outside the territory of the Republic of Austria.

The remaining insurance liabilities shall fall upon the Insurance Organisation.

2. If the insured person was not himself living on December 31, 1923, the obligation to bear the insurance liabilities shall, in accordance with paragraph 1 (b), depend upon the nationality and domicile of his widow at that date, and if at that time there was no widow entitled to a pension, upon the domicile at that date of the youngest child entitled to a pension, and finally, in the absence of children with such right, upon the domicile at that date of the youngest ascendant relative having such right. In every case the Contracting Party accepting the insurance liabilities on behalf of a person entitled to a pension in accordance with the foregoing provisions shall also be responsible for making all payments, whether already due or subsequently becoming due, to any of the survivors of the insured person.

3. The insurance liabilities to be borne by the Kingdom of Italy shall, as from December 31, 1918, and in conformity with the internal regulations of the Kingdom of Italy, fall upon the office in Italy which is responsible for the administration of workmen's accident insurance or the office which has been selected as competent for such administration by the Government of that State. If, however, during a period prior to the coming into force of the present Convention the insurance liabilities have been borne by another office than the one competent under the present Convention, any payments made shall be regarded as taking the place of the payments due under the present Convention, without any subsequent arrangement having to be made under this head between the offices concerned.

4. With the entry into force of the present Convention, all activities of the Insurance Organisation shall cease in respect of the insurance liabilities to be borne by the Kingdom of Italy in conformity with Nos. 1 and 2.

5. The Republic of Austria shall hand over to the Kingdom of Italy the files and accessory documents of the Insurance Organisation referring to the insurance liabilities to be accepted by the latter State and shall ensure that for at least ten years from the coming into force of the present Convention the files and accessory documents which are not distributed are preserved at the offices of the Insurance Organisation so that they may be inspected by the authorised organs of the Kingdom of Italy or the organs of the Italian offices which accept the insurance liability.

B. DISTRIBUTION OF FUNDS.

1. The Funds of the Insurance Organisation as existing on December 31, 1921, shall be distributed. It is agreed that the share allocated to the Kingdom of Italy shall be fixed at 16 (sixteen) per cent.

2. The immovable property of the Insurance Organisation, the whole of which is situated in the territory of the Republic of Austria, shall remain in its entirety the property of the Insurance Organisation; in return, that Organisation shall be responsible for the retiring pensions of all officials, and the Kingdom of Italy shall receive 300 (three hundred) million Austrian crowns.

3. Of the debts owing to the Insurance Organisation in the form of arrears of premiums, those which are owed by persons whose insurable undertakings are situated in that part of the former territory of the insurance organisation which is transferred to the Kingdom of Italy, shall pass to the Kingdom of Italy or to the Italian office responsible for continuing the insurance. The same shall apply to the right of the Insurance Organisation to claim supplementary payments.

4. The Kingdom of Italy shall receive the sum of 6,714,000 Austrian crowns as its share of the available cash assets and of other loans and credits amounting in all to 38,209,835.26 crowns. Any rights arising from the fact that the Insurance Organisation had debts, wholly or partially

repaid to it in Austrian or unstamped crowns, by debtors residing in Italian territory, shall be transferred to the Kingdom of Italy or to the Italian office.

5. The actual securities shall be distributed in proportionate shares.

Accordingly, the Italian share shall include :

- War loan bonds, nominal value 80,000 crowns, Third Issue 1915,
- War loan bonds, nominal value 640,000 crowns, Fourth Issue 1916,
- War loan bonds, nominal value 672,000 crowns, Fifth Issue 1916,
- War loan bonds, nominal value 384,000 crowns, Sixth Issue 1917,
- War loan bonds, nominal value 370,000 crowns, Seventh Issue 1917,
- War loan bonds, nominal value 384,000 crowns, Eighth Issue 1918,
- 4 per cent paper bonds, nominal value 56,000 crowns (4%ige Notenrente),
- 4.2 per cent loan bonds, nominal value 14,400 crowns (4.2 %ige Notenrente),
- 4.2 per cent silver bonds, nominal value 36,000 crowns (4.2 %ige Silberrente),
- First debentures of the Galician Charles Louis Railway, nominal value 58,200 crowns (*Galizische Karl Ludwigs-Bahn-Prioritätenobligationen*),
- Bonds of the Austrian North Western Railway and German Northern and Southern Joint Railway, nominal value 32,000 crowns (*Österr. Nordwest- und Südnorddeutsche Verbindungsbahn-Staatsobligationen*),
- Moravian Provincial loan bonds, nominal value 9,200 crowns (*Mährische Landesanlehen*),
- Loan debentures of the town of Salzburg, nominal value 157,400 crowns (*Salzburger Stadtanlehen*),
- 4 per cent Communal debentures, nominal value 44,800 crowns (4 % *Kommunalschuldverschreibungen*),
- 4.5 per cent debentures, nominal value 32,000 crowns, of the Central Bank of German Savings Banks (4.5 %ige *Schuldverschreibungen der Zentralbank der deutschen Sparkassen*),
- 4.5 per cent bonds of the Central Bank of German Savings Banks, nominal value 16,000 crowns (4.5 %ige *Pfandbriefe der Zentralbank der deutschen Sparkassen*),
- Central Land Bank bonds, nominal value 33,600 crowns (*Pfandbriefe der Zentralbodenkreditbank*),
- Communal debentures of the province of Lower Austria, nominal value 60,800 crowns (*Niederösterr. Landes-Kommunalschulscheine*),
- Bonds of the Upper Austrian Provincial Land Bank, nominal value 15,600 crowns (*Pfandbriefe der oberösterr. Landes-Hypothekenanstalt*),
- Debentures of the Upper Austrian Communal Loans Bank, nominal value 16,000 crowns (*Schuldverschreibungen der oberösterr. Landes-Kommunalkreditanstalt*),
- Bonds of the Upper Austrian Land Bank, nominal value 46,400 crowns (*Pfandbriefe der oberösterr. Hypothekbank*),
- First debentures for the construction of the Fürstenfeld-Hartberg Railway, nominal value 15,000 crowns (*Prioritätsobligationen für den Neubau der Lokalbahn Fürstenfeld-Hartberg*),
- First debentures of the Mauthausen-Grein local railway, nominal value 64,000 crowns (*Prioritätsobligationen der Lokalbahn Mauthausen-Grein*),
- First debentures of the Vintschgau Railway, nominal value 43,200 crowns (*Prioritätsobligationen der Vintschgaubahn*),
- Austrian lottery bonds, nominal value 48,000 crowns (*Österreichische Losanleihe*),
- 6 per cent Treasury bonds, nominal value 16,000 crowns (6 %ige *Schatzscheine*),
- 5 per cent Salzburg Provincial Electricity bonds, nominal value 160,000 crowns (5 %ige *Salzburger-Landes-Elektrizitätsanleihe*),

1921 Austrian lottery bonds for the construction of houses, nominal value 57,600 crowns (*Österreichische Baulose 1921*),

4 per cent silver bonds, nominal value 7,600 crowns (4 %ige *Silberrente*),

4.2 per cent paper bonds, nominal value 1,600 crowns (4.2 %ige *Notenrente*),

Crown bonds, nominal value 32,000 crowns (*Kronenrente*),

Loan debentures of the town of Salzburg, nominal value 1,200 crowns (*Salzburger Stadtanlehen*),

Communal debentures of the Bohemian Provincial Bank, nominal value 1,000 crowns (*Kommunalschuldscheine der böhmischen Landesbank*),

Moravian Land Bank bonds, nominal value 1,600 crowns (*Pfandbriefe der mährischen Hypothekenbank*),

Debentures of the Upper Austrian Communal Loans Bank, nominal value 1,800 crowns (*Schuldverschreibungen der oberösterreichischen Landes-Kommunalkreditanstalt*),

Bonds of the Austrian Land Bank, nominal value 7,000 crowns (*Pfandbriefe der österreichischen Hypothekenbank*),

Bonds of the Upper Austrian Provincial Land Bank, nominal value 16,000 crowns (*Pfandbriefe der oberösterreichischen Landes-Hypothekenanstalt*).

The war loan bonds, inscribed "*von der Republik Österreich nicht übernommen*" and the other securities, which shall bear no inscription, shall be placed at the disposal of the Italian Legation at Vienna, or at a place of deposit to be selected by that legation at Vienna or Salzburg, within three months of the ratification of the present Convention by the High Contracting Parties. The cash amount shall be forwarded within the same time-limit. Austria shall ensure that a correct list is made of the numbers to be submitted to the Reparation Commission and shall grant authorisation to export these securities free of charge.

6. The transfer to the competent insurance organisation of the funds allocated shall be subject to the internal regulations of the Kingdom of Italy.

7. Each of the two Contracting Parties shall abstain from collecting any stamp or other duties which might become leviable in its territory, at the time of the execution of this Convention.

Article II.

After the execution of the present Convention by the Republic of Austria, the Kingdom of Italy shall make no further claim on the Republic of Austria under Article 275 of the Treaty of Saint-Germain concerning the Workmen's Accident Insurance Organisation for Upper Austria, Salzburg, the Tyrol and Vorarlberg.

Article III.

The present Convention shall be ratified as soon as possible and shall enter into force fourteen days after the date on which the instruments of ratification are exchanged at Vienna.

In faith whereof the above-mentioned Plenipotentiaries have affixed their signatures to the present Convention.

Done at Vienna, the twenty-seventh day of September 1924, in two copies, of which one shall be transmitted to each of the High Contracting Parties.

For Austria :
(Signed) THAA.

For Italy :
(Signed) Ulysses GOBBI.

ADDITIONAL PROTOCOL

TO THE CONVENTION REGARDING THE WORKMEN'S ACCIDENT INSURANCE ORGANISATION
AT SALZBURG FOR UPPER AUSTRIA, SALZBURG, THE TYROL AND VORARLBERG.

At the time of signing the Convention regarding the Workmen's Accident Insurance Organisation at Salzburg for Upper Austria, Salzburg, the Tyrol and Vorarlberg, the Plenipotentiaries of the Governments concerned, namely Professor Ulysses Gobbi and M. Wilhelm Thaa, formerly Head of Section, have agreed upon the following provisions :

(1) The two Governments shall refrain, even before the entry into force of the present Convention (at the latest by the end of December 1924), from any action contrary thereto and shall ensure that the principles of the Convention are already as far as possible observed as regards insurance liabilities.

(2) It is agreed that Monsieur Gezzele, who is in receipt of a pension from the Organisation, is in future to be treated on the same footing as other pensioners, but in respect of the past has only the right to receive the arrears of his pension in Austrian crowns.

For Italy :

(Signed) U. GOBBI.

For Austria :

(Signed) THAA.