

**ALLEMAGNE ET COMMISSION
DE GOUVERNEMENT
DU BASSIN DE LA SARRE**

Echange de notes complétant les dispositions du protocole du 3 juin 1921 : *a*) relatives aux examens professionnels passés en Allemagne et en Sarre par les fonctionnaires moyens et subalternes, et *b*) relatives à l'interprétation de certains points du protocole. Sarrebruck, les 7 et 20 juin et le 1^{er} juillet 1921 ; Berlin, le 19 août et Sarrebruck le 26 août 1922.

**GERMANY AND SAAR BASIN
GOVERNING COMMISSION**

Exchange of Notes supplementing the provisions of the Protocol of June 3, 1921 : (*a*) relative to the Professional Examinations passed in Germany and in the Saar by Intermediate and Junior Officials, and (*b*) relative to the interpretation of Certain Points in the Protocol. Saarbruck, June 7 and 20 and July 1, 1921 ; Berlin, August 19, and Saarbruck, August 26, 1922.

¹ TRADUCTION. — TRANSLATION.

No. 688. — EXCHANGE OF NOTES BETWEEN THE GERMAN GOVERNMENT AND THE SAAR BASIN GOVERNING COMMISSION, SUPPLEMENTING THE PROVISIONS OF THE PROTOCOL OF JUNE 3, 1921: (a) RELATIVE TO THE PROFESSIONAL EXAMINATIONS PASSED IN GERMANY AND IN THE SAAR BY INTERMEDIATE AND JUNIOR OFFICIALS, AND (b) RELATIVE TO THE INTERPRETATION OF CERTAIN POINTS IN THE PROTOCOL. SAARBRUCK, JUNE 7 AND 20, AND JULY 1, 1921; BERLIN, AUGUST 19, AND SAARBRUCK, AUGUST 26, 1922.

I.

SAAR BASIN GOVERNING COMMISSION.
SECRETARIAT-GENERAL.

S.R. No. 5091.

SAARBRUCK, *June 7, 1921.*

SIR,

The Delegation of the Saar Basin Governing Commission which took part in the negotiations conducted at Berlin, from May 27 to June 3, desires to thank your Excellency for the welcome accorded it and the courtesy with which it was received. The Governing Commission esteems itself fortunate in having been able to reach an agreement with the German Government on various points.

In studying the Protocol, the signing of which concluded the negotiations, I noted an error, due, no doubt, to the haste with which this document was drawn up. The drafters omitted to mention the agreement arrived at without any difficulty between the two delegations in regard to the validity of professional examinations. This item of the agenda was dealt with at the Fifth Plenary Meeting (May 31). The text of the Minutes of the meeting drawn up by the German Delegation showed that complete agreement was reached on the following points:

(1) Professional examinations taken in the Saar Territory by secondary and subordinate officials will be recognised by the German authorities.

(2) The Governing Commission will recognise examinations taken in Germany in the case of the same classes of officials.

(3) In order to facilitate this reciprocal treatment the regulations in force in Germany shall apply to professional examinations held in the Saar Territory. The examining boards will be constituted in accordance with these regulations; they will be appointed by the Governing Commission, which reserves the right to make outside appointments to the board when suitable members are not available within the Territory.

(4) Either of the Parties may terminate this Agreement, but such action shall not have retroactive effect as regards examinations already held.

(5) As regards the Railway and Postal Administrations, direct agreements will be concluded between the two Administrations concerned.

¹ Traduit par le Secrétariat de la Société des Nations.

¹ Translated by the Secretariat of the League of Nations.

(6) The German Government will recognise examinations already held in the Saar Territory.

I consider that the proposals formulated above give very accurately the conditions of the Agreement concluded on May 31, 1921. I would merely request that the expression "secondary and subordinate officials" might be defined, and suggest that for this purpose reference should be made to the rule employed in Annex 6 of the Protocol; secondary and subordinate officials would include officials of grades I to IX inclusive.

I should be glad to know that these proposals meet with the approval of the German Government. An exchange of letters would, I think, be sufficient to confirm this Agreement on the same terms as those dealt with in the Protocol of June 3, 1921.

I have the honour to be, etc.

(Signed) V. RAULT.

His Excellency Dr. ROSEN,
Minister for Foreign Affairs,
Berlin.

II.

BERLIN, *June 20, 1921.*

SIR,

The German Government gratefully acknowledges the friendly remarks with which, on behalf of the Delegation, you open your letter of June 7, S. R. No. 5091, referring to the negotiations conducted in Berlin. The German Government is happy to think that these negotiations led to agreement in principle on a number of points.

Your remarks concerning the incompleteness of the Final Protocol of June 3 are perfectly correct. I have the honour, pursuant to your letter, to confirm the fact that agreement was reached in regard to the following points:

(1) Professional examinations taken in the Saar Territory by secondary and subordinate officials will be recognised by the German authorities.

(2) The Governing Commission of the Saar Territory will recognise examinations taken in Germany so far as concerns the same classes of officials.

(3) In order to facilitate this reciprocal treatment the regulations in force in Germany shall apply to professional examinations held in the Saar Territory. The examining boards will be constituted in accordance with these regulations, and appointed by the Governing Commission, which reserves the right to make outside appointments to the board when suitable members are not available within the Territory.

(4) Either of the Parties may terminate this Agreement at will, but such action shall not have retroactive effect as regards examinations already held.

(5) As regards the Railway and Postal Administrations direct agreements will be concluded between the two Administrations concerned.

(6) The German Government will recognise examinations already held in the Saar Territory.

The German Government is further in agreement with the suggestion contained in your letter that "secondary and subordinate officials" should be taken to comprise officials of grades I to IX inclusive.

As we are now in full agreement, I think that this exchange of letters may be regarded as settling this question in the same manner as the points covered by the Protocol of June 3.

I have the honour, etc.,

(Signed) v. HANIEL.

Monsieur RAULT, Councillor,
Chairman of the Saar Basin Governing Commission,
Saarbruck.

III.

SAAR BASIN GOVERNING COMMISSION.
SECRETARIAT-GENERAL.

S. T. No. 5514.

SAARBRUCK, *July 1, 1921.*

SIR,

I have the honour to acknowledge receipt of Your Excellency's letter, No. U. S. G. 1265, of June 20, 1921, and to take note of the Agreement reached in regard to the validity of professional examinations, in the form in which this Agreement appears in the aforesaid letter and my letter S. R. 5091, of June 7.

I have the honour to be, etc.

(Signed) V. RAULT.

His Excellency Dr. ROSEN,
Minister for Foreign Affairs,
Berlin.

IV.

NOTE OF THE GERMAN GOVERNMENT TO THE SAAR BASIN GOVERNING COMMISSION,
DATED AUGUST 19, 1922.

BERLIN, *August 19, 1922.*

SIR,

I have the honour to confirm the fact that agreement has been reached by the German Government and the Saar Governing Commission in regard to the following questions concerning pensions and public assistance :

I.

For the purpose of a provisional settlement of accounts in respect of expenditure under the head of pensions, the Governing Commission will, as from April 1 to December 31, 1922, instruct the Pensions Department to determine, on the first day of each month, the total amount allocated for this purpose during the previous month. This amount, less 2 million marks per month, will be transferred by the German Government to the account of the Governing Commission at the office of the Reichsbank in Saarbruck. The Governing Commission will notify the amount required to the German Financial Commissioner, who will effect the transfer. Such payments will, when definitive settlement is made at the end of the financial year, be reckoned as advances made by the German Government.

II.

For the purpose of simplifying the accounts, capital sums repaid in accordance with the Reich law concerning Pensions (Reichsversorgungsgesetz) will not be included in the final settlement required under the Protocol of June 3, 1921.

The total expenditure under the heading of pensions will therefore be reduced in this settlement by these amounts ; the remainder represents the sum by means of which the increased expenditure under the new law, as compared with the old one, will be ascertained ; this additional expenditure will then be apportioned between the German Government and the Saar Basin Governing Commission, in the ratio of 1 : 3.

III.

Correspondence between pensions authorities both within and without the Saar Territory relating to individual cases in regard to the transmission of documents or the ascertainment of

claims by individual beneficiaries under the pensions laws will take place direct between the pensions offices and the head pensions offices. In every other case communications between these pensions authorities will pass through the Public Welfare Department and the Secretariat-General of the Governing Commission. Communications between the Reich Ministry of Labour and the pensions authorities in the Saar Territory will be made in every case through diplomatic channels.

IV.

The powers and duties of the German Financial Commissioner for pensions in the Saar Territory are laid down in letter No. 7510, dated November 3, 1921, from the Saar Basin Governing Commission and the reply, No. II, S. G. 2611, dated December 4, 1921, from the German Government.

V.

The Saar Basin Governing Commission agrees to the proposals of the German Government contained in Letter No. IIa, S. G. 296, dated April 3, 1922, in regard to jurisdiction in pensions matters. Accordingly, the Reich Minister of Labour will issue, after agreement with the Reichsrat, the draft decree communicated to the Governing Commission regarding the procedure to be adopted in pensions cases affecting the Saar Territory, while the Governing Commission will declare the Reich Law of January 10, 1922, concerning the procedure in pensions cases to be applicable with the modifications necessary to adapt it to conditions in the Saar Territory.

When the number of the members of the Pensions Tribunal has been reduced from five to three pursuant to the Reich law of January 10, 1922, concerning procedure in pensions cases, the provision in the Final Protocol of Berlin, of June 3, 1921, in virtue of which the German Government acquired the right to appoint the judicial member of the Pensions Tribunal in the Saar Territory from among the regular judges of the Saar Territory, and another member from among the pensions officials of the Saar Territory, can no longer be retained. It will be replaced by the following provision: "The German Government is hereby entitled to appoint to the Saar Territory Pensions Tribunal a person with experience of social welfare work and specially conversant with pensions matters".

Cases submitted since February 1, 1922, to the pensions tribunals previously competent will, if a decision has not been given, be transferred to the pensions tribunal for the Saar Territory at Saarbruck. Proceedings in cases which were brought previous to February 1, 1922, before the pensions tribunals hitherto competent, and which are still *sub judice* will be continued before such Courts, which will give judgment thereon.

VI.

The Agreements of June 3, 1921, will be supplemented as follows in regard to the pensions authorities in the Saar Territory:

(1) After the expiry of the period of six months during which the Governing Commission had the right to place such of the transferred pensions officials as it did not desire at the disposal of the German Government, this right will not again be exercised.

(2) The Governing Commission will be responsible for the grading of the pensions staff under the new salary regulations. In cases in which, owing to the revision of salaries, any one class of officials has, with a view to promotion, been split up into several grades (as, for example, the clerk class into grades VII, VIII and IX of the German Salary Regulations), the Governing Commission will, when dividing up a uniform class into different groups, as far as possible adopt the same proportional arrangements as has been followed in the case of the German pensions authorities.

It is agreed that examination results shall be the principal consideration taken into account in grading individual officials. The Governing Commission is, however, at liberty to give special treatment to individual officials of tried merit.

The grading of temporary staff will follow the same rules as that of regular officials.

After the completion of the grading, the Governing Commission will forward to the German Government a tabular statement showing the number of posts and the persons appointed to them.

(3) In accordance with the Agreements of June 3, 1921, only officials proposed to the Governing Commission by the German Government will be appointed to vacant posts. Vacant posts are posts which have become vacant owing to death, resignation or promotion or which have been newly created. As soon as a vacancy occurs, the Governing Commission will notify the German Government and invite it to exercise its right of nomination.

In exercising its right of nomination to higher posts for purposes of promotion, the German Government will also take into account the pensions officials employed in the Saar Territory. When notifying the German Government of impending vacancies, the Governing Commission is at liberty to bring to its notice pensions officials in the Saar Territory who, by reason of merit and length of service, should be considered for promotion when any vacancy occurs. In such cases the files relating to these officials will also be forwarded. In the same way, when submitting the names of officials employed outside the Saar Territory, the German Government will forward the files to the Governing Commission. If the German Government has no nominations to submit from among officials employed in the Saar Territory, it will as far as possible nominate officials from places in the neighbourhood of the Saar Territory.

(4) The Governing Commission will at once request the German Government to exercise its right of nomination in connection with the chief posts which are at present provisionally administered.

I have the honour to be, etc.,

(Signed) v. SIMSON.

To

M. RAULT, Councillor,
Chairman of the Saar Basin Governing Commission,
Saarbruck.

V.

SAAR BASIN GOVERNING COMMISSION.
SECRETARIAT-GENERAL,
G. S. No. 4041a.

SAARBRUCK, August 26, 1922.
Schlossplatz, 15.

SIR,

(Here follows the same text as in the note of August 19, 1922.)

I have the honour to be, etc.

(Signed) R. D. WAUGH.

The Minister for Foreign Affairs,
Berlin.