## No. 2956

# BELGIUM, DENMARK, FRANCE, FEDERAL REPUBLIC OF GERMANY, GREECE, etc.

# European Interim Agreement (with annexes) on social security other than schemes for old age, invalidity and survivors. Signed at Paris, on 11 December 1953

# Protocol to the European Interim Agreement on social security other than schemes for old age, invalidity and survivors. Signed at Paris, on 11 December 1953

Official texts: English and French.

Registered on 30 September 1955 by the Council of Europe acting on behalf of the Contracting Parties, in accordance with Resolution (54) 6 of the Committee of Ministers of the Council of Europe adopted on 3 April 1954.

# BELGIQUE, DANEMARK, FRANCE, RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, GRÈCE, etc.

- Accord intérimaire européen (avec annexes) concernant la sécurité sociale à l'exclusion des régimes relatifs à la vieillesse, à l'invalidité et aux survivants. Signé à Paris, le 11 décembre 1953
- Protocole additionnel à l'Accord intérimaire européen concernant la sécurité sociale à l'exclusion des régimes relatifs à la vieillesse, à l'invalidité et aux survivants. Signé à Paris, le 11 décembre 1953

Textes officiels anglais et français.

Enregistrés le 30 septembre 1955 par le Conseil de l'Europe agissant au nom des Parties contractantes, conformément à la résolution (54) 6 du Comité des Ministres du Conseil de l'Europe adoptée le 3 avril 1954.

No. 2956. EUROPEAN INTERIM AGREEMENT ON SOCIAL SECURITY OTHER THAN SCHEMES FOR OLD AGE, INVALIDITY AND SURVIVORS. SIGNED AT PARIS, ON 11 DECEMBER 1953

The Governments signatory hereto, being Members of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve greater unity between its Members for the purpose, among others, of facilitating their social progress;

Affirming the principle that the nationals of any one of the Contracting Parties to this Agreement should receive under the social security laws and regulations of any other Contracting Party equal treatment with the nationals of the latter, a principle sanctioned by Conventions of the International Labour Organisation;

Affirming also the principle that nationals of any one of the Contracting Parties should receive the benefits of agreements on social security concluded by any two or more of the other Contracting Parties;

Desirous of giving effect to these principles by means of an Interim Agreement, pending the conclusion of a general convention based on a network of bilateral agreements,

Have agreed as follows :

## Article 1

1. This Agreement shall apply to all social security laws and regulations which are in force at the date of signature or may subsequently come into force in any part of the territory of the Contracting Parties and which relate to:

Following is the list of Parties to the Agreement indicating the respective dates of deposit of the instrument of ratification and of the entry into force of the Agreement :

Ireland	. 31 March 1954 1 July 1954
Denmark	. 30 June 1954 1 July 1954
United Kingdom of Great Britain and Northern Irela:	nd 7 September 1954 1 October 1954
Saar	. 8 September 1954 1 October 1954
Norway (with declaration*)	. 9 September 1954 1 October 1954
Netherlands	
Sweden (with declaration*)	. 2 September 1955 1 October 1955
* See annex III, setting out the reservations	formulated by the Contracting Parties at

\* See annex 111, setting out the reservations formulated by the Contracting Parties a the date of signature, p. 192 of this volume.

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<sup>&</sup>lt;sup>1</sup> In accordance with article 13, the Agreement came into force on 1 July 1954, the first day of the month following the date of deposit of the second instrument of ratification and, as regards each signatory ratifying subsequently, on the first day of the month following the date of deposit of its instrument of ratification.

- (a) sickness, maternity and death (death grants), including medical benefits insofar as they are not subject to a needs test;
- (b) employment injury;
- (c) unemployment;
- (d) family allowances.

2. This Agreement shall apply to schemes of contributory and non-contributory benefits, including employers' obligations to compensate for employment injuries. It shall not apply to public assistance, special schemes for civil servants, or benefits paid in respect of war injuries or injuries due to foreign occupation.

3. For the purposes of this Agreement, the word "benefit" includes any increase in or supplement to the benefit.

4. The terms "nationals" and "territory" of a Contracting Party shall have the meaning assigned to them by such a Party in a declaration<sup>1</sup> addressed to the Secretary-General of the Council of Europe for communication to all other Contracting Parties.

## Article 2

1. Subject to the provisions of Article 9, a national of any one of the Contracting Parties shall be entitled to receive the benefits of the laws and regulations of any other of the Contracting Parties under the same conditions as if he were a national of the latter:

- (a) in the case of benefit in respect of employment injury, provided that he resides in the territory of one of the Contracting Parties,
- (b) in the case of any benefit other than benefit in respect of employment injury, provided that he is ordinarily resident in the territory of the latter Contracting Party,
- (c) in the case of benefit claimed in respect of sickness, maternity or unemployment, provided that he had become ordinarily resident in the territory of the latter Contracting Party before the first medical certification of the sickness, the presumed date of conception or the beginning of the unemployment, as the case may be,
- (d) in the case of a benefit provided under a non-contributory scheme, other than a benefit in respect of employment injury, provided that he has been resident for six months in the territory of the latter Contracting Party.

<sup>&</sup>lt;sup>1</sup> For declarations, see p. 194 of this volume.

2. In any case where the laws and regulations of any one of the Contracting Parties impose a restriction on the rights of a national of that Party who was not born in its territory, a national of any other of the Contracting Parties born in the territory of the latter shall be treated as if he were a national of the former Contracting Party born in its territory.

3. In any case where in determining a right to benefit the laws and regulations of any one of the Contracting Parties make any distinction which depends on the nationality of a child, a child who is a national of any other of the Contracting Parties shall be treated as if he were a national of the former Contracting Party.

#### Article 3

1. Any agreement relating to the laws and regulations referred to in Article 1 which has been or may be concluded by any two or more of the Contracting Parties shall, subject to the provisions of Article 9, apply to a national of any other of the Contracting Parties as if he were a national of one of the former Parties insofar as it provides, in relation to those laws and regulations:

- (a) for determining under which laws and regulations a person should be insured;
- (b) for maintaining acquired rights and rights in course of acquisition and, in particular, for adding together insurance periods and equivalent periods for the purpose of establishing the right to receive benefit and calculating the amount of benefit due;
- (c) for paying benefit to persons residing in the territory of any one of the Parties to such agreement;
- (d) for supplementing and administering the provisions of such agreement referred to in this paragraph.

2. The provisions of paragraph 1 of this Article shall not apply to any provision of the said agreement which concerns benefits provided under a noncontributory scheme unless the national concerned has resided for six months in the territory of the Contracting Party under whose laws and regulations he claims benefit.

## Article 4

Subject to the provisions of any relevant bilateral and multilateral agreements, benefits which in the absence of this Agreement have not been awarded or have been suspended shall be awarded or reinstated from the date of the entry into force of this Agreement for all the Contracting Parties concerned with the claim in question, provided that the claim thereto is presented within one year after such date or within such longer period as may be determined by the Contracting Party under whose laws and regulations the benefit is claimed. If the claim is not presented within such period, the benefit shall be awarded or reinstated from the date of the claim or such earlier date as may be determined by the latter Contracting Party.

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## Article 5

The provisions of this Agreement shall not limit the provisions of any national laws or regulations, international conventions, or bilateral or multilateral agreements which are more favourable for the beneficiary.

## Article 6

This Agreement shall not affect those provisions of national laws or regulations which relate to the participation of insured persons, and of other categories of persons, concerned in the management of social security.

### Article 7

1. Annex I<sup>1</sup> to this Agreement sets out in relation to each Contracting Party the social security schemes to which Article 1 applies which are in force in any part of its territory at the date of signature of this Agreement.

Each Contracting Party shall notify the Secretary-General of the Council 2. of Europe of every new law or regulation of a type not included in Annex I in relation to that Party. Such notifications shall be made by each Contracting Party within three months of the date of publication of the new law or regulation, or if such law or regulation is published before the date of ratification of this Agreement by the Contracting Party concerned, at that date of ratification.

## Article 8

Annex II<sup>2</sup> to this Agreement sets out in relation to each Contracting 1. Party the agreements concluded by it to which Article 3 applies which are in force at the date of signature of this Agreement.

Each Contracting Party shall notify the Secretary-General of the Council 2. of Europe of every new agreement concluded by it to which Article 3 applies. Such notification shall be made by each Contracting Party within three months of the date of coming into force of the agreement, or if such new agreement has come into force before the date of ratification of this Agreement, at that date of ratification.

## Article 9

Annex III<sup>3</sup> to this Agreement sets out the reservations hereto made at 1. the date of signature.

<sup>&</sup>lt;sup>1</sup> See p. 172 of this volume. <sup>2</sup> See p. 182 of this volume. <sup>3</sup> See p. 192 of this volume.

2. Any Contracting Party may, at the time of making a notification in accordance with Article 7 or Article 8, make a reservation in respect of the application of this Agreement to any law, regulation or agreement which is referred to in such notification. A statement of any such reservation shall accompany the notification concerned; it will take effect from the date of entry into force of the new law, regulation or agreement.

3. Any Contracting Party may withdraw either in whole or in part any reservation made by it by a notification to that effect addressed to the Secretary-General of the Council of Europe. Such notification shall take effect on the first day of the month following the month in which it is received and this Agreement shall apply accordingly.

## Article 10

The Annexes to this Agreement shall constitute an integral part of this Agreement.

## Article 11

1. Arrangements where necessary between the competent authorities of the Contracting Parties shall determine the methods of implementation of this Agreement.

2. The competent authorities of the Contracting Parties concerned shall endeavour to resolve by negotiation any dispute relating to the interpretation or application of this Agreement.

3. If any such dispute has not been resolved by negotiation within a period of three months, the dispute shall be submitted to arbitration by an arbitral body whose composition and procedure shall be agreed upon by the Contracting Parties concerned, or, in default of such agreement, within a further period of three months, by an arbitrator chosen at the request of any of the Contracting Parties concerned by the President of the International Court of Justice. Should the latter be a national of one of the Parties to the dispute, this task shall be entrusted to the Vice-President of the Court or to the next judge in order of seniority not a national of one of the Parties to the dispute.

4. The decision of the arbitral body, or arbitrator, as the case may be, shall be made in accordance with the principles and spirit of this Agreement and shall be final and binding.

#### Article 12

In the event of the denunciation of this Agreement by any of the Contracting Parties,

(a) any right acquired by a person in accordance with its provisions shall be maintained and, in particular, if he has, in accordance with its provisions,

acquired the right to receive any benefit under the laws and regulations of one of the Contracting Parties while he is resident in the territory of another, he shall continue to enjoy that right;

(b) subject to any conditions which may be laid down by supplementary agreements concluded by the Contracting Parties concerned for the settlement of any rights then in course of acquisition, the provisions of this Agreement shall continue to apply to insurance periods and equivalent periods completed before the date when the denunciation becomes effective.

## Article 13

1. This Agreement shall be open to the signature of the Members of the Council of Europe. It shall be ratified. Instruments of ratification shall be deposited with the Secretary-General of the Council of Europe.

2. This Agreement shall come into force on the first day of the month following the date of deposit of the second instrument of ratification.

3. As regards any Signatory ratifying subsequently, the Agreement shall come into force on the first day of the month following the date of the deposit of its instrument of ratification.

## Article 14

1. The Committee of Ministers of the Council of Europe may invite any State not a member of the Council of Europe to accede to this Agreement.

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the Council of Europe, which shall take effect on the first day of the month following the date of deposit.

3. Any instrument of accession deposited in accordance with this Article shall be accompanied by a notification of such information as would be contained in the Annexes I and II to this Agreement if the Government of the State concerned were, on the date of accession, a Signatory hereto.

4. For the purposes of this Agreement any information notified in accordance with paragraph 3 of this Article shall be deemed to be part of the Annex in which it would have been recorded if the Government of the State concerned were a Signatory hereto.

## Article 15

The Secretary-General of the Council of Europe shall notify :

(a) the Members of the Council and the Director-General of the International Labour Office

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- (i) of the date of entry into force of this Agreement and the names of any Members who ratify it,
- (ii) of the deposit of any instrument of accession in accordance with Article 14 and of such notifications as are received with it,
- (iii) of any notification received in accordance with Article 16 and its effective date ;

(b) the Contracting Parties and the Director-General of the International Labour Office

- (i) of any notifications received in accordance with Articles 7 and 8,
- (ii) of any reservation made in accordance with paragraph 2 of Article 9,
- (iii) of the withdrawal of any reservation in accordance with paragraph 3 of Article 9.

## Article 16

This Agreement shall remain in force for a period of two years from the date of its entry into force in accordance with paragraph 2 of Article 13. Thereafter it shall remain in force from year to year for such Contracting Parties as have not denounced it by a notification to that effect addressed to the Secretary-General of the Council of Europe at least six months before the expiry either of the preliminary two-year period, or of any subsequent yearly period. Such notification shall take effect at the end of the period to which it relates. IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Agreement.

DONE at Paris, this 11th day of December, 1953, in the English and French languages, both texts being equally authoritative, in a single copy which shall remain in the archives of the Council of Europe and of which the Secretary-General shall send certified copies to each of the Signatories and to the Director-General of the International Labour Office. EN FOI DE QUOI, les soussignés, dûment autorisés par leurs Gouvernements respectifs, ont signé le présent Accord.

FAIT à Paris, le 11 décembre 1953, en français et en anglais, les deux textes faisant également foi, en un seul exemplaire qui sera déposé dans les Archives du Conseil de l'Europe. Le Secrétaire Général en communiquera des copies certifiées conformes à tous les signataires, ainsi qu'au Directeur Général du Bureau International du Travail.

For the Government of the Kingdom of Belgium : Pour le Gouvernement du Royaume de Belgique :

P. VAN ZEELAND

For the Government of the Kingdom of Denmark : Pour le Gouvernement du Royaume de Danemark :

E. WAERUM

For the Government of the French Republic :

Pour le Gouvernement de la République française :

Bidault

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For the Government of the

Pour le Gouvernement de la Federal Republic of Germany : République Fédérale d'Allemagne :

Adenauer

For the Government of the Kingdom of Greece : Pour le Gouvernement du Royaume de Grèce :

Stephanopoulos

For the Government of the Icelandic Republic :

Pour le Gouvernement de la République islandaise :

Kristinn GUDMUNDSSON

For the Government of Ireland :

Pour le Gouvernement d'Irlande :

Prôinsias MAC AOGÁIN

For the Government of the Italian Republic :

Pour le Gouvernement de la République italienne :

Ludovico Benvenuti

For the Government of the Grand Duchy of Luxembourg :

Pour le Gouvernement du Grand-Duché de Luxembourg :

Весн

For the Government of the Kingdom of the Netherlands :

Pour le Gouvernement du Royaume des Pays-Bas :

J. W. BEYEN

For the Government of the Kingdom of Norway : Pour le Gouvernement du Royaume de Norvège :

Halvard LANGE

For the Government of the Saar : Pour le Gouvernement de la Sarre :

(in application of resolution (53) 30 of (par application de la résolution (53) the Committee of Ministers) 30 du Comité des Ministres)

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For the Government of the Kingdom of Sweden : Pour le Gouvernement du Royaume de Suède :

Östen Undén

For the Government of the Turkish Republic :

Pour le Gouvernement de la République turque :

F. Köprülü

For the Government of the United Kingdom of Great Britain and Northern Ireland: Pour le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :

Anthony NUTTING

#### ANNEX I

## TO THE EUROPEAN INTERIM AGREEMENT ON SOCIAL SECURITY OTHER THAN SCHEMES FOR OLD AGE, INVALIDITY, AND SURVIVORS

SOCIAL SECURITY SCHEMES TO WHICH THE AGREEMENT APPLIES

#### **BELGIUM**:

Laws and regulations relating to :

- (a) Social security for employees, respecting the organisation of compulsory insurance against sickness or invalidity.
- (b) Compensation for injuries resulting from industrial accidents, including provision for benefit increments for employment injuries and compensation for employment injuries of mariners.
- (c) Compensation for injuries caused by occupational diseases, including provision for the granting of additional allowances to persons entitled to occupational disease pensions.
- (d) Social security for employees (organisation of assistance to unemployed).
- (e) Familly allowances for salaried employees and family allowances for employers and self-employed workers.

All the above-mentioned schemes are of a contributory nature.

#### DENMARK:

Laws and regulations relating to :

- (a) Sickness insurance (sickness, maternity, death).
- (b) Accident insurance.
- (c) Unemployment insurance.
- (d) Various medical services.
- (e) Temporary law on family benefits.

All these schemes are of a contributory nature, except (d) and (e) which are of a non-contributory nature.

#### FRANCE:

Laws and regulations relating to :

- (a) The organisation of social security.
- (b) General provisions governing the social insurance system applicable to insured persons in non-agricultural employment.
- (c) Social insurance provisions applicable to employed persons, and persons treated as employed persons, in agricultural employment.
- (d) Family allowances.
- (e) Provisions for the prevention of, and compensation for, employment injuries.
- (f) Special social security schemes.

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(g) The granting of unemployment allowances.

All the above schemes except that listed under (g) are of a contributory nature.

#### FEDERAL REPUBLIC OF GERMANY:

Laws and regulations relating to :

- (a) Sickness insurance (sickness, maternity, death grants).
- (b) Insurance against employment injuries (including disablement scheme for prisoners).
- (c) Unemployment insurance and assistance.

All the above schemes except that covering unemployment assistance are of a contributory nature.

#### GREECE:

Laws and regulations relating to:

- (a) Social insurance, including unemployment insurance.
- (b) Special schemes for certain categories of workers.

These schemes are of a contributory nature.

#### ICELAND:

Laws and regulations relating to :

- (a) (i) Sickness insurance.
  - (ii) Sickness benefits, daily allowances.
  - (iii) Maternity and death grants.
- (b) Accident insurance.
- (c) Family allowances.

All these schemes are of a contributory nature.

## IRELAND:

Laws and regulations relating to :

- (a) National health insurance.
- (b) Workmen's compensation.
- (c) Unemployment insurance.
- (d) Unemployment assistance.
- (e) Intermittent unemployment insurance.
- (f) Children's allowances.
- (g) The diagnosis, prevention and treatment of infectious diseases.
- (h) The grant of allowances to persons suffering from infectious disease.
- (i) Maternity and child welfare medical schemes.
- (j) The school medical service.

The Schemes listed under (a), (c) and (e) above are of a contributory nature. The others are non-contributory. (The scheme mentioned under (b) imposes an obligation on employers, with no State contribution.)

#### ITALY:

Laws and regulations relating to :

- (a) Compulsory sickness insurance.
- (b) Compulsory insurance against tuberculosis.
- (c) Compulsory insurance against employment injuries.
- (d) Physical and economic protection of working mothers in so far as provisions for economic benefits for those among them who are pregnant or confined are concerned.
- (e) Benefits for unemployed.
- (f) Special compulsory insurance schemes for certain categories of employees.
- (g) Family benefits.

The scheme mentioned under(e) above is partly of a contributory nature and partly non-contributory. All other schemes are contributory.

#### LUXEMBOURG:

Laws and regulations relating to :

- (a) Sickness insurance (sickness, maternity and death).
- (b) Employment injury insurance, including provisions for accident pension increments.
- (c) Unemployment benefits.
- (d) Family allowances, including birth grants to independent workers : including also provisions respecting the admission of frontier workers working in the Grand Duchy to family allowances.

The above schemes, with the exception of unemployment allowances and birth grants to independent workers, are of a contributory character.

#### **NETHERLANDS:**

Laws and regulations relating to :

- (a) Health insurance (benefits in cash and in kind, maternity).
- (b) Insurance against employment injuries including provisions relating to pensions increments.
- (c) Family allowances (wage-earners, pensioners, self-employed workers).
- (d) Unemployment insurance and assistance.
- (e) Health insurance for miners (benefits in cash and in kind, maternity).

(f) Family allowances for miners.

The above mentioned schemes are of a contributory nature, with the following exceptions : family allowances for self-employed persons and for pensioners and unemployment assistance.

#### NORWAY:

Laws and regulations relating to :

(a) Sickness insurance (sickness, maternity, death).

- (b) Accident insurance of industrial employees, etc. Accident insurance for fishermen. Accident insurance for seamen.
- (c) Unemployment insurance.
- (d) Family allowances.

These schemes, with the exception of that covering family allowances, are of a contributory nature.

#### SAAR:

Laws and regulations relating to :

- (a) Sickness insurance (sickness, maternity, death).
- (b) Insurance against employment injuries.
- (c) Family allowances.
- (d) Unemployment insurance and assistance.

These schemes, with the exception of unemployment assistance, are of a contributory nature.

#### SWEDEN:

Laws and regulations relating to :

- (a) Sickness insurance.
- (b) Insurance against industrial accidents and occupational diseases.
- (c) Unemployment insurance and unemployment assistance.
- (d) Common family allowances.
- (e) Maternity grants.
- (f) Various medical services.

The schemes listed under (a) and (b) and the unemployment insurance scheme listed under (c) are of a contributory nature. The schemes listed under (e) are partly contributory and partly non-contributory. The unemployment assistance scheme listed under (c) and the schemes listed under (d) and (f) are non-contributory.

#### TURKEY:

Laws and regulations relating to :

- (a) Sickness and maternity insurance.
- (b) Insurance relating to employment injuries and maternity.
- (c) Special schemes for certain categories of workers.
- (d) Provisions concerning the civil liability of employers to pay compensation for employment injuries contracted by wage-earners who are not covered by the compulsory social insurance scheme.

All these schemes are of a contributory nature.

#### UNITED KINGDOM:

Laws and regulations concerning Great Britain, Northern Ireland, and the Isle of Man :

(a) Establishing insurance schemes in respect of unemployment, sickness and death and of the confinement of women.

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- (b) Establishing insurance schemes in respect of personal injury caused by industrial accident and of prescribed diseases and injuries due to employment.
- (c) Establishing the scheme of family allowances.
- (d) Establishing the national health services.
- (e) Relating to the obsolete schemes of workmen's compensation for industrial accidents and diseases insofar as they continue to have effect.

The schemes listed under (a) and (b) are of a contributory nature. Those listed under (c) and (d) are of a non-contributory nature.

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#### ANNEX II

## TO THE EUROPEAN INTERIM AGREEMENT ON SOCIAL SECURITY OTHER. THAN SCHEMES FOR OLD AGE, INVALIDITY AND SURVIVORS

#### BILATERAL AND MULTILATERAL AGREEMENTS TO WHICH THE AGREEMENT APPLIES <sup>1</sup>

#### **BELGIUM:**

- (a) Convention between Belgium and the Netherlands respecting insurance against occupational accidents, dated 9 February, 1921.<sup>2</sup>
- (b) Convention between Belgium and the Netherlands respecting the application of the legislation of the two countries as regards social insurance, dated 29 August, 1947.<sup>3</sup>
- (c) General Convention between Belgium and France on social security, dated 17 January. 1948. 4
- (d) General Convention between Belgium and Italy on social insurance, dated 30 April, 1948.5
- (e) General Convention between Belgium and the Grand Duchy of Luxembourg on social security, dated 3 December, 1949.
- (f) Multilateral Convention on social security concluded by the Brussels Treaty Powers on 7 November, 1949.7

#### DENMARK :

- (a) Convention between Denmark, Norway and Sweden respecting industrial accidents, dated 12 February, 1919.8
- (b) Convention between Denmark and the Netherlands respecting accident insurance dated 23 October, 1926.\*
- (c) Convention between Denmark and Iceland respecting reciprocity in connection with the accident insurance of workers and invalidity insurance, dated 13 October, 1927.10
- (d) Convention between Denmark and Iceland respecting the transfer of members of sick funds, dated 1 April, 1939.
- (e) Convention between Denmark and Sweden respecting unemployment insurance, dated 31 May, 1946.
- (f) Convention between Denmark and Sweden respecting the transfer of members between the sick funds in Denmark and those in Sweden, dated 23 December, 1947.<sup>11</sup>

- League of Nations, Treaty Series, Vol. XI, p. 333, and Vol. LIV, p. 389.
  United Nations, Treaty Series, Vol. 36, p. 349.
  United Nations, Treaty Series, Vol. 36, p. 233; Vol. 149, p. 397, and Vol. 182, p. 221.
  United Nations, Treaty Series, Vol. 36, p. 305, and Vol. 202, p. 322.
  United Nations, Treaty Series, Vol. 91, p. 31.
  United Nations, Treaty Series, Vol. 132, p. 31.
  De Martens, Nouncaty Recycil général de Traitée troisième série tome XIV, p. 493

- <sup>8</sup> De Martens, Nouveau Recueil général de Traités, troisième série, tome XIV, p. 493.
- <sup>9</sup> League of Nations, *Treaty Series*, Vol. LXXII, p. 13. <sup>10</sup> League of Nations, *Treaty Series*, Vol. LXVII, p. 411.
- <sup>11</sup> United Nations, Treaty Series, Vol. 14, p. 3.

<sup>&</sup>lt;sup>1</sup> It is understood that the Agreement applies equally to all the complementary agreements, supplements, protocols and arrangements which have completed or amended the said agreements.

- (g) Convention between Denmark and Norway respecting the transfer of members between the sick funds in Denmark and those in Norway, dated 21 January, 1948.<sup>1</sup>
- (h) Convention between Denmark and Norway on the reciprocal recognition of unemployment insurance contributions, dated 12 March, 1951.

FRANCE :

- (a) General Convention between France and Belgium on social security, dated 17 January, 1948. 2
- (b) General Convention between France and Italy to co-ordinate the application of French social security legislation and of the Italian social insurance and family benefits legislation to the nationals of the two countries, dated 31 March, 1948.
- (c) General Convention between France and the United Kingdom, in respect of Great Britain, on social security, dated 11 June, 1948.<sup>3</sup>
- (d) General Convention between France and the Saar on social security dated 25 February, 1949.
- (e) General Convention between France and the Grand Duchy of Luxembourg on social security, dated 12 November, 1949.
- (f) General Convention between France and the United Kingdom, in respect of Northern Ireland, on social security, dated 28 January, 1950.4
- (g) General Convention between France and the Netherlands on social security, dated 7 January, 1950.<sup>5</sup>
- (h) General Convention between France and the Federal Republic of Germany on social security, dated 10 July, 1950.
- (i) Multilateral Convention on social security concluded by the Brussels Treaty Powers on 7 November, 1949.

#### FEDERAL REPUBLIC OF GERMANY:

- (a) General Convention between the Federal Republic of Germany and France on social security, dated 10 July, 1950.
- (b) Convention between the Federal Republic of Germany and the Netherlands on social insurance, dated 29 March, 1951.7

#### ICELAND :

(a) Convention between Iceland and Denmark respecting reciprocity in connection with the accident insurance of workers and invalidity insurance, dated 13 October, 1927.8

- United Nations, Treaty Series, Vol. 97, p. 155.
  United Nations, Treaty Series, Vol. 120, p. 25, and Vol. 135, p. 375.
- See footnote 7, p. 182.
- <sup>7</sup> United Nations, Treaty Series, Vol. 149, p. 71.
- <sup>8</sup> See footnote 10, p. 182.

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<sup>&</sup>lt;sup>1</sup> United Nations, Treaty Series, Vol. 14, p. 307.

<sup>&</sup>lt;sup>2</sup> See footnote 4, p. 182.

<sup>&</sup>lt;sup>3</sup> United Nations, *Treaty Series*, Vol. 66, p. 151; Vol. 133, p. 346; Vol. 158, p. 484, and Vol. 183, p. 357.

- (b) Convention between Iceland and Norway on industrial accident insurance, dated 31 May, 1930.1
- (c) Convention between Iceland and Sweden respecting industrial accidents, dated 31 October, 1930.<sup>2</sup>
- (d) Convention between Iceland and Denmark respecting the transfer of members of sick funds, dated 1 April, 1939.

#### IRELAND:

- (a) Agreement between Ireland and the United Kingdom, in respect of Great Britain, relating to insurance for sickness benefit and maternity benefit, dated 13 September, 1948.
- (b) Agreement between Ireland and the United Kingdom, in respect of Great Britain, relating to insurance for unemployment benefit, dated 24 March, 1949.

#### ITALY:

- (a) General Convention between Italy and France to co-ordinate the application of French social security legislation and of the Italian social insurance and family benefits legislation to the nationals of the two countries, dated 31 March, 1948.
- b) General Convention between Italy and Belgium on social insurance, dated 30 April, 1948.<sup>3</sup>

#### LUXEMBOURG:

- (a) General Convention between the Grand Duchy of Luxembourg and France on social security, dated 12 November, 1949.
- (b) General Convention between the Grand Duchy of Luxembourg and Belgium on social security, dated 3 December, 1949.4
- (c) General Convention between the Grand Duchy of Luxembourg and the Netherlands on social security, dated 8 July, 1950.<sup>3</sup>
- (d) Multilateral Convention on social security concluded by the Brussels Treaty Powers on 7 November, 1949.

#### NETHERLANDS:

- (a) Convention between the Netherlands and Belgium respecting insurance against occupational accidents, dated 9 February, 1921.7
- (b) Convention between the Netherlands and Norway respecting reciprocity of treatment with regard to the insurance of industrial workers and seamen, dated 9 January, 1925.8

<sup>&</sup>lt;sup>1</sup> League of Nations, *Treaty Series*, Vol. CVIII, p. 339. <sup>2</sup> League of Nations, *Treaty Series*, Vol. CIX, p. 171.

<sup>See footnote 5, p. 182.
See footnote 6, p. 182.
United Nations,</sup> *Treaty Series*, Vol. 135, p. 229, and Vol. 186, p. 329.

<sup>&</sup>lt;sup>6</sup> See footnote 7, p. 182.

See footnote 2, p. 182.

<sup>&</sup>lt;sup>8</sup> League of Nations, Treaty Series, Vol. XLVIII, p. 247.

- (c) Convention between the Netherlands and Denmark respecting accident insurance, dated 23 October, 1926.<sup>1</sup>
- (d) Convention between the Netherlands and Belgium respecting the application of the legislation of the two countries as regards social insurance, dated 29 August, 1947.<sup>2</sup>
- (e) General Convention between the Netherlands and France on social security, dated
   7 January, 1950.<sup>3</sup>
- (f) General Convention between the Netherlands and the Grand Duchy of Luxembourg on social security, dated 8 July, 1950.<sup>4</sup>
- (g) Convention between the Netherlands and the Federal Republic of Germany on social insurance, dated 29 March, 1951.5
- (h) Multilateral Convention on social security concluded by the Brussels Treaty Powers on 7 November, 1949.<sup>6</sup>

#### NORWAY:

- (a) Convention between Norway, Denmark and Sweden respecting industrial accidents, dated 12 February, 1919.<sup>7</sup>
- (b) Convention between Norway and the Netherlands respecting reciprocity of treatment with regard to the insurance of industrial workers and seamen, dated 9 January, 1925.<sup>8</sup>
- (c) Convention between Norway and Iceland on industrial accident insurance, dated 31 May, 1930.<sup>9</sup>
- (d) Convention between Norway and Sweden respecting the transfer of members between the sick funds in Norway and those in Sweden, dated 22 December, 1947.<sup>10</sup>
- (e) Convention between Norway and Denmark respecting the transfer of members between the sick funds in Denmark and those in Norway, dated 21 January, 1948.<sup>11</sup>
- (f) Convention between Norway and Sweden on the reciprocal recognition of unemployment insurance contributions, dated 18 December, 1948.<sup>12</sup>
- (g) Convention between Norway and Denmark on the reciprocal recognition of unemployment insurance contributions, dated 12 March, 1951.

#### SAAR:

General Convention between the Saar and France on social security, dated 25 February, 1949.

<sup>1</sup> See footnote 9, p. 182.
 <sup>2</sup> See footnote 3, p. 182.
 <sup>3</sup> See footnote 5, p. 184.
 <sup>4</sup> See footnote 7, p. 186.
 <sup>5</sup> See footnote 7, p. 182.
 <sup>7</sup> See footnote 8, p. 182.
 <sup>8</sup> See footnote 8, p. 186.
 <sup>9</sup> See footnote 1, p. 186.
 <sup>10</sup> United Nations, *Treaty Series*, Vol. 22, p. 203.
 <sup>11</sup> See footnote 1, p. 186.
 <sup>12</sup> United Nations, *Treaty Series*, Vol. 30, p. 117.

#### SWEDEN:

- (a) Convention between Sweden, Denmark and Norway respecting industrial accidents, dated 12 February, 1919.<sup>1</sup>
- (b) Convention between Sweden and Iceland respecting industrial accidents, dated 31 October, 1930.<sup>2</sup>
- (c) Convention between Sweden and Denmark respecting unemployment insurance, dated 31 May, 1946.
- (d) Convention between Sweden and Norway respecting the transfer of members between the sick funds in Norway and those in Sweden, dated 22 December, 1947.<sup>8</sup>
- (e) Convention between Sweden and Denmark respecting the transfer of members between the sick funds in Denmark and those in Sweden, dated 23 December, 1947.
- (f) Convention between Sweden and Norway respecting the reciprocal recognition of unemployment insurance contributions, dated 18 December, 1948.<sup>5</sup>

#### UNITED KINGDOM:

- (a) General Convention on social security between the United Kingdom, in respect of Great Britain, and France, dated 11 June, 1948.
- (b) Agreement between the United Kingdom, in respect of Great Britain, and Ireland relating to insurance for sickness benefit and maternity benefit, dated 13 September, 1948.
- (c) Agreement between the United Kingdom, in respect of Great Britain, and Ireland relating to insurance for unemployment benefit, dated 24 March, 1949.
- (d) General Convention on social security between the United Kingdom, in respect of Northern Ireland, and France, dated 28 January, 1950.7
- (e) Multilateral Convention on social security concluded by the Brussels Treaty Powers on 7 November, 1949.8

- See footnote 11, p. 182. See footnote 12, p. 188.
- See footnote 3, p. 184.
- See footnote 4, p. 184.
- See footnote 7, p. 182.

<sup>&</sup>lt;sup>1</sup> See footnote 8, p. 182. 2

See footnote 2, p. 186. See footnote 10, p. 188.

#### ANNEX III

## TO THE EUROPEAN INTERIM AGREEMENT ON SOCIAL SECURITY OTHER THAN SCHEMES FOR OLD AGE, INVALIDITY AND SURVIVORS

Reservations to the Agreement Formulated by the Contracting Parties

1. The Government of Denmark has formulated the following reservation :

The provisions of the Danish law of 10 May, 1915, concerning infectious diseases which impose a residence requirement of one year when the party concerned is neither a Danish national nor a member of a sick fund recognised by the State, shall be excluded from the application of this agreement.

- 2. The Government of France has formulated the following reservations :
- (a) The provisions of the French legislation respecting compensation for industrial accidents for prisoners shall be excluded from the application of the Agreement, unless there is in the country concerned a scheme offering similar benefits of which prisoners of French nationality in such country may avail themselves.
- (b) The French Act of 23 September, 1948, No. 48-1473, as amended, extending to students certain provisions of the Order of 17 October, 1945, respecting the scheme of social insurance applicable to insured persons in non-agricultural employment, shall be excluded from the application of the Agreement, unless there is in the country concerned a scheme offering similar benefits of which students of French nationality in such country may avail themselves.
- (c) The inclusion of family benefits within the field of application of the Agreement shall in no way prejudice the right of the French legislation on maternity benefits to reserve these benefits to parents whose children are of French nationality at birth or acquire that nationality within a period of three months, so long as it makes no distinction based on the nationality of the parents.

3. The Government of Iceland has formulated the following reservation :

The provisions respecting family allowances which are contained in the Social Security Act No. 50/1946 shall be excluded from the application of the Agreement, unless there is a family allowance scheme in the country concerned of which Icelandic nationals may avail themselves.

- 4. The Government of Luxembourg has formulated the following reservations :
- (a) The Luxembourg Government reserves the right not to apply the provisions of this Agreement to the system of birth allowances.
- (b) The application of the Agreement to unemployment benefits shall be subject to organising the financial contribution of employers and employees, or of one of these groups, in the allocation of unemployment assistance.

5. The Government of Norway has formulated the following reservation :1

The Norwegian Act of 24 October, 1946, respecting family allowances shall be excluded from the application of the Agreement, unless there is a family allowance scheme in the country concerned, of which Norwegian nationals may avail themselves.

<sup>&</sup>lt;sup>1</sup> In a declaration accompanying the instrument of ratification, the Government of Norway withdrew the above-mentioned reservation.

- The Government of Sweden has formulated the following reservations :<sup>1</sup> 6.
- (a) The Swedish Act respecting maternity grants, payable, subject to a means test, to all mothers shall not apply to the nationals of a Contracting Party which has repealed the legal provisions under which maternity cash benefits are payable.
- (b) The clause in the Swedish Legislation concerning family allowances which regulates the right of allowance to a child who is a national of another country shall be considered to conform with the provisions of Article 2 of this Agreement.
- (c) The provision of the Swedish Unemployment Assistance which requires one year of work in Sweden to qualify a person who is a national of another country to benefit from the Assistance system, shall be excluded from the application of this Agreement.
- 7. The Government of the United Kingdom has formulated the following reservation:

The legislation of the United Kingdom does not at present permit the full application of the principles of the Agreement to the schemes of family allowances in its territory, and the Government is accordingly obliged to make the following provisional reservation:

For the purpose of the family allowances schemes in Great Britain, Northern Ireland and the Isle of Man, a national of another Contracting Party shall be treated as a national of the United Kingdom only after he has been present in Great Britain, Northern Ireland, or the Isle of Man, or, where not so present, has been a member of the Forces or a merchant seaman as defined in the relevant British legislation, for at least 156 weeks in the aggregate out of the four years immediately preceding the date on which an allowance is claimed.

#### DECLARATIONS UNDER ARTICLE 1, PARAGRAPH 4, OF THE CONVENTION

#### INTERPRETATION OF TERMS : "NATIONALS" AND "TERRITORY"

Paragraph 4 of Article 1 of the European Interim Agreements on Social Security<sup>2</sup> and paragraph (a) (ii) of Article 2 of the Convention on Social and Medical Assistance<sup>3</sup> provide that the terms "nationals" and "territory" of a Contracting Party shall have the meaning assigned to them by such a party in a declaration addressed to the Secretary-General of the Council of Europe for communication to other Contracting Parties.

The meanings assigned to these terms by the Member Governments of the Council of Europe in the communications which they have addressed to the Secretary-General are as follows :

<sup>&</sup>lt;sup>1</sup> In its instrument of ratification, the Government of Sweden withdrew the reservation in sub-paragraph (a) and confirmed the remaining two reservations.

<sup>&</sup>lt;sup>2</sup> See pp. 153 and 211 of this volume. <sup>3</sup> See p. 255 of this volume.

- 1. BELGIUM:
- (a) Nationals

Persons possessing Belgian nationality.

(b) Territory

Belgian metropolitan territory, excluding the Belgian Congo and Ruanda-Urundi.

- 2. DENMARK:
- (a) Nationals

Persons possessing Danish nationality.

(b) Territory

Denmark itself, not including the Faroe Islands and Greenland. Nevertheless, consideration may be given later to the question of extending the application of the Agreements to these parts of the Kingdom.

- 3. FRANCE:
- (a) Nationals

All persons of French nationality, all nationals of the French Union, except those of the Associated States, and all French protected persons.

(b) Territory

Metropolitan France and its overseas departments (Guadeloupe, French Guiana, Martinique and Réunion).

- 4. GERMAN FEDERAL REPUBLIC:
- (a) Nationals
  - (i) German nationals;
  - (ii) Persons who, as refugees or expellees of German ethnic origin, and their spouses and descendants, have found refuge as the result of the events of the second world war in the territory of the German Reich as it existed on 31st December, 1937, even if they have since left this territory. This status applies to their spouses and descendants in accordance with the provisions relating to the granting of nationality in Articles 4 to 6 of the German Law on Nationality of 22nd July, 1913.
- (b) Territory

Territory to which the Basic Law of the German Federal Republic applies. The Federal Government reserves the right to notify the Secretary-General of the Council of Europe that the application of the Agreements shall be extended to *Land* Berlin, and this notification shall be binding on the Contracting Parties as from the first day of the month following such notification.

- 5. GREECE:
- (a) Nationals

Persons possessing Greek nationality and all holders of a valid Greek passport. Certain Greek nationals do not possess Greek passports owing to the fact that their

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papers of nationality are not in order or for some other reason. In these doubtful cases it would be advisable for the authorities of the Contracting Parties to consult the Greek diplomatic or consular authorities, in accordance with the spirit of Article 15 of the Convention.

(b) Territory

All Greek territory, including the Greek islands, as defined by international treaties at present in force.

- 6. ICELAND:
- (a) Nationals

All persons legally enjoying the right of Icelandic citizenship.

(b) Territory

The territory of Iceland including surrounding islands and territorial waters subject to Icelandic jurisdiction.

- 7. IRELAND:
- (a) Nationals

Citizens of Ireland.

(b) Territory

That part of the national territory of the whole island of Ireland for the time being under the jurisdiction of the Government of Ireland.

- 8. ITALY:
- (a) Nationals

All citizens of the State and all persons to whom the nationality laws of the State have been extended, including all stateless persons residing on the territory of the State.

(b) Territory

The national metropolitan territory.

- 9. LUXEMBOURG:
- (a) Nationals

Persons of Luxembourg nationality.

(b) Territory

The territory of the Grand Duchy of Luxembourg.

- 10. NETHERLANDS:
- (a) Nationals

Persons of Netherlands nationality.

(b) Territory

The territory of the Kingdom in Europe.

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- 11. NORWAY:
- (a) Nationals

Persons of Norwegian nationality according to the Norwegian Nationality Act of 8th December, 1950.

(b) Territory

The Kingdom of Norway, with the exception of Svalbard. The Agreements will not apply to the Svalbard (Spitzbergen) Archipelago, although these territories form a part of the Kingdom, owing to the fact that the Norwegian social security system has not been extended to the said territories.

- 12. SAAR:
- (a) Nationals

Persons possessing Saar nationality by virtue of the law of 15th July, 1948, as amended by the law of 25th June, 1949.

(b) Territory

All territory subject to Saar sovereignty.

- 13. SWEDEN:
- (a) Nationals Citizens of Sweden.
- (b) Territory The territory of Sweden.
- 14. TURKEY:
- (a) Nationals Persons possessing Turkish nationality.
- (b) Territory

The territory under Turkish sovereignty.

- 15. UNITED KINGDOM:
- (a) Nationals

Citizens of the United Kingdom and Colonies.

(b) Territory 1

England, Wales, Scotland, Northern Ireland and the Isle of Man, but not the Channel Islands or other territories for whose international relations the United Kingdom Government are responsible; nevertheless, consideration may be given later to the question of extending the application of the Agreements of the Convention to the Channel Islands.

Strasbourg, 2nd September, 1954

 $<sup>^{1}</sup>$  According to the statement of the 5th March, 1954, of the Government of the United Kingdom.

PROTOCOL<sup>1</sup> TO THE EUROPEAN INTERIM AGREEMENT ON SOCIAL SECURITY OTHER THAN SCHEMES FOR OLD AGE, INVALIDITY AND SURVIVORS. SIGNED AT PARIS, ON 11 DECEMBER 1953

The Governments signatory hereto, being Members of the Council of Europe,

Having regard to the provisions of the European Interim Agreement on Social Security other than Schemes for Old Age, Invalidity and Survivors, signed at Paris on the 11th day of December, 1953 (hereinafter referred to as "the principal Agreement");

Having regard to the provisions of the Convention relating to the Status of Refugees signed at Geneva on 28th July, 1951<sup>2</sup> (hereinafter referred to as "the Convention");

Being desirous of extending the provisions of the principal Agreement so as to apply to refugees as defined in the Convention,

Have agreed as follows :

Following is the list of parties to the Protocol indicating the respective dates of deposit of the instrument of ratification and of the entry into force of the Protocol :

Ireland (with declaration*)	31 March 1954	1 October 1954
United Kingdom of Great Britain and Northern Ireland .	7 September 1954	1 October 1954
Saar	8 September 1954	1 October 1954
Norway	9 September 1954	1 October 1954
Netherlands	11 March 1955	1 April 1954
Sweden	2 September 1955	1 October 1955

#### \* DECLARATION

"The Government of Ireland do hereby declare, in accordance with article 1 of the Protocol to the European Interim Agreement on Social Security other than Schemes for Old Age, Invalidity and Survivors, signed at Paris on 11th December 1953, that for the purpose of their obligations under the aforesaid Protocol, the words "events occurring before 1 January 1951" in article 1, section A, of the Convention relating to the Status of Refugees, signed at Geneva on 28th July 1951, shall be understood to mean "events occurring in Europe before 1 January 1951."

<sup>\*</sup> United Nations, *Treaty Series*, Vol. 189, p. 137; Vol. 190, p. 385; Vol. 191, p. 409; Vol. 199, p. 357; Vol. 200, p. 336; Vol. 201, p. 387; Vol. 202, p. 368, and Vol. 214.

<sup>&</sup>lt;sup>1</sup> In accordance with article 3, the Protocol came into force on 1 October 1954, the first day of the month following the date of deposit of the second instrument of ratification and, as regards each signatory ratifying subsequently, on the first day of the month following the date of deposit of its instrument of ratification.

## Article 1

For the purposes of this Protocol the term "refugee" shall have the meaning ascribed to it in Article 1 of the Convention, provided that each Contracting Party shall make a declaration at the time of signature or ratification hereof or accession hereto, specifying which of the meanings set out in paragraph B of Article 1 of the Convention it applies for the purpose of its obligations under this Protocol, unless such Party has already made such a declaration at the time of its signature or ratification of the Convention.

## Article 2

The provisions of the principal Agreement shall apply to refugees under the same conditions as they apply to the nationals of the Contracting Parties thereto, provided that Article 3 of that Agreement shall apply to refugees only in cases where the Contracting Parties to the agreements to which that Article refers have ratified this Protocol or acceded thereto.

#### Article 3

1. This Protocol shall be open to the signature of the Members of the Council of Europe who have signed the principal Agreement. It shall be ratified.

2. Any State which has acceded to the principal Agreement may accede to this Protocol.

3. This Protocol shall come into force on the first day of the month following the date of deposit of the second instrument of ratification.

4. As regards any Signatory ratifying subsequently, or any acceding State, the Protocol shall come into force on the first day of the month following the date of the deposit of its instrument of ratification or accession.

5. Instruments of ratification and accession shall be deposited with the Secretary-General of the Council of Europe, who shall notify the Members of the Council, acceding States and the Director-General of the International Labour Office of the names of those who have ratified or acceded. IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Protocol.

DONE at Paris, this 11th day of December, 1953, in the English and French languages, both texts being equally authoritative, in a single copy which shall remain in the archives of the Council of Europe and of which the Secretary-General shall send certified copies to each of the Signatories and to the Director-General of the International Labour Office. EN FOI DE QUOI, les soussignés, dûment autorisés par leurs Gouvernements respectifs, ont signé le présent Protocole.

FAIT à Paris, le 11 décembre 1953, en français et en anglais, les deux textes faisant également foi, en un seul exemplaire qui sera déposé dans les Archives du Conseil de l'Europe. Le Secrétaire Général en communiquera des copies certifiées conformes à tous les signataires, ainsi qu'au Directeur Général du Bureau International du Travail.

For the Government of the Kingdom of Belgium : Pour le Gouvernement du Royaume de Belgique :

P. VAN ZEELAND

For the Government of the Kingdom of Denmark : Pour le Gouvernement du Royaume de Danemark :

For the Government of the French Republic : Pour le Gouvernement de la République française :

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For the Government of the Federal Republic of Germany :

Pour le Gouvernement de la République Fédérale d'Allemagne :

Adenauer

For the Government of the Kingdom of Greece : Pour le Gouvernement du Royaume de Grèce :

Stephanopoulos

For the Government of the Icelandic Republic : Pour le Gouvernement de la République islandaise :

Kristinn GUDMUNDSSON

For the Government of Ireland :

Pour le Gouvernement d'Irlande :

Prôinsias MAC AOGÁIN

For the Government of the Italian Republic : Pour le Gouvernement de la République italienne :

Ludovico Benvenuti

For the Government of the Grand Duchy of Luxembourg :

Весн

For the Government of the Kingdom of the Netherlands :

Pour le Gouvernement du Royaume des Pays-Bas :

J. W. Beyen

For the Government of the Kingdom of Norway : Pour le Gouvernement du Royaume de Norvège :

Halvard LANGE

For the Government of the Saar :

de la Sarre :

Pour le Gouvernement

(in application of resolution (53) 30 of (par application de la résolution (53) the Committee of Ministers) 30 du Comité des Ministres)

P. VAN ZEELAND

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Pour le Gouvernement du Grand-Duché de Luxembourg :

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For the Government of the Kingdom of Sweden : Pour le Gouvernement du Royaume de Suède :

Östen Undén

For the Government of the Turkish Republic : Pour le Gouvernement de la République turque :

F. Köprülü

For the Government of the United Kingdom of Great Britain and Northern Ireland : Pour le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :

Anthony NUTTING