

No. 4539

**AUSTRIA, BELGIUM, DENMARK, FRANCE,
FEDERAL REPUBLIC OF GERMANY, etc.**

**Final Act of the Intergovernmental Conference on the
European Convention concerning the Social Security of
Workers Engaged in International Transport; and
European Convention concerning the Social Security of
Workers Engaged in International Transport
Both done at Geneva, on 9 July 1956**

Official texts: English and French.

Registered by the International Labour Organisation on 11 October 1958.

**AUTRICHE, BELGIQUE, DANEMARK, FRANCE,
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE, etc.**

**Acte final de la Conférence intergouvernementale chargée
d'étudier la Convention européenne sur la sécurité
[sociale des travailleurs des transports internationaux; et
Convention européenne concernant la sécurité sociale des
travailleurs des transports internationaux
Faits à Genève, le 9 juillet 1956**

Textes officiels anglais et français.

Enregistrés par l'Organisation internationale du Travail le 11 octobre 1958.

No. 4539. FINAL ACT OF THE INTERGOVERNMENTAL
CONFERENCE ON THE EUROPEAN CONVENTION
CONCERNING THE SOCIAL SECURITY OF WORKERS
ENGAGED IN INTERNATIONAL TRANSPORT. DONE
AT GENEVA, ON 9 JULY 1956

1. The Intergovernmental Conference on the Draft European Convention concerning the Social Security of Workers Engaged in International Transport was convened at Geneva by the Director-General of the International Labour Office in order to adopt the definitive text of the said Convention. A draft Convention had been discussed and approved by the Preparatory Meeting which was held at Geneva from 7 to 13 December 1955.

2. The Intergovernmental Conference met at Geneva from 3 to 9 July 1956. The Governments of the following States were represented at the Conference : Austria, Belgium, Denmark, France, Federal Republic of Germany, Ireland, Italy, Luxembourg, Netherlands, Norway, Poland, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland and Yugoslavia. The Governments of Czechoslovakia and the Union of Soviet Socialist Republics were represented by Observers.

3. The Conference adopted finally on 9 July 1956 the European Convention concerning the Social Security of Workers Engaged in International Transport. The text of this Convention was signed by the President of the Intergovernmental Conference and is annexed¹ to this Final Act.

4. The Conference also adopted a Report, the text of which, signed by the President and the Reporter of the Intergovernmental Conference, is annexed² to this Final Act.

5. The Convention is open for signature and ratification by the European member States of the International Labour Organisation and, under the conditions mentioned in Article 20 of the Convention, to the accession of any other European State. The Conference expressed the desire that the Convention will be signed at Geneva by the plenipotentiaries of the Governments concerned before 1 November 1956, and that their ratification will follow, under the conditions provided for in the Convention, as soon as possible.

IN WITNESS THEREOF, the undersigned representatives have signed this Final Act.

¹ See p. 10 of this volume.

² See p. 34 of this volume.

DONE at Geneva, 9 July 1956, in one original copy in English and French. This text shall be deposited with the Director-General of the International Labour Office, who will furnish certified copies to each of the Governments represented at the Conference.

For Austria :

Dr. HUBINGER

For Belgium :

L. WATILLON

For Denmark :

P. JUHL-CHRISTENSEN

For France :

René APPEL

For the Federal Republic of Germany :

v. BORRIES

For Ireland :

F. HYNES

For Italy :

Carlo CARLONI

For Luxembourg :

A. KAYSER

For the Netherlands :

Van DE VEN

For Norway :

Per RAMHOLT

For Poland :

JURKIEWICZ

For Spain :

Manuel AMBLES

For Sweden :

R. FAUGERT

For Switzerland

SAXER

For the United Kingdom of Great Britain and Northern Ireland :

A. PATTERSON

For Yugoslavia :

S. POPOVIC

EUROPEAN CONVENTION¹ CONCERNING THE SOCIAL SECURITY OF WORKERS ENGAGED IN INTERNATIONAL TRANSPORT. DONE AT GENEVA, ON 9 JULY 1956

The Governments of the States Signatory hereto,

Considering the Agreement concerning the social security of Rhine boatmen, signed at Paris on 27 July 1950² under the auspices of the International Labour Organisation, which came into force on 1 June 1953;

Considering the General Agreement on Economic Regulations for International Road Transport, including the Set of Rules annexed thereto, the Additional Protocol and the Protocol of Signature, signed at Geneva on 17 March 1954;

Considering that the present development of international transport between their countries by land, air and inland navigation necessitates a multilateral instrument to provide for an effective protection of workers engaged in such transport when, in cases of sickness, maternity, employment injury or death, they need social security benefits in the territory of a Contracting Party other than the country to the laws and regulations of which the said workers are subject;

Affirming, in respect of workers engaged in international transport and of the benefits mentioned above, the principle of equality of treatment of the nationals of each of the Contracting Parties as regards the application of national laws and regulations on social security, a principle already enunciated in international labour Convention; and

Considering that the cost of social security benefits provided in the cases mentioned above should, as a rule, be borne by the institution of the Contracting Party to the laws and regulations of which the worker concerned is subject;

Have agreed as follows :

¹ Came into force on 1 October 1958, the first day of the second month following that in which the second instrument of ratification had been deposited, in accordance with article 21 (1). The instruments of ratification were deposited with the Director-General of the International Labour Office on behalf of the following States on the dates indicated :

Poland 24 January 1958 Netherlands 4 August 1958

² United Nations, *Treaty Series*, Vol. 166, p. 73.

PART I

GENERAL PROVISIONS

Article 1

For the purposes of this Convention—

(a) “Contracting Party” means every Signatory State having deposited an instrument of ratification in accordance with paragraph 2 of Article 19 of this Convention and every other European State having deposited an instrument of accession in accordance with paragraph 2 of Article 20;

(b) “territory of a Contracting Party” and “national of a Contracting Party” have the meanings assigned to them by the Party concerned in a declaration addressed to the Director-General of the International Labour Office for communication to all other Contracting Parties;

(c) “legislation of a Contracting Party” means the existing and future laws and regulations including the rules of the institutions, in force in the whole territory of each Contracting Party or in any part thereof concerning the general and special, contributory and non-contributory, social security schemes applicable in cases of sickness, maternity, employment injury and death (death grant);

(d) “competent authority of a Contracting Party” means the minister, the ministers or other corresponding authority of a Contracting Party responsible, in the whole territory of the Party concerned or any part thereof, for the social security schemes applicable to workers engaged in transport;

(e) “institution” means the social security body or authority determined by the legislation of each Contracting Party and charged with the application of the legislation either as a whole or in respect of one or more of the branches referred to in paragraph (c) of this Article;

(f) “competent institution” means—

- (i) in the case of social insurance, the institution to which the worker is affiliated at the moment when a benefit is claimed or from which there is a right to benefit; or
- (ii) in the case of a scheme other than social insurance, providing for the liability of the employer in respect of an employment injury, the employer or the subrogated insurer or the institution to be determined by the competent authority of the Contracting Party concerned; or
- (iii) in the case of a non-contributory scheme, the body or the authority responsible for furnishing the benefits;

(g) "institution of the place of sojourn" means—

- (i) the institution which is, according to the provisions of the legislation of the Contracting Party concerned, competent for the place where the worker finds himself; or
- (ii) if such institution is not determined by the legislation, the institution determined for the purposes of this Convention by the competent authority of the Contracting Party;

(h) "worker" means a person defined as a gainfully employed person or as a person treated as such in the legislation to which he is subject who is—

- (i) in the service of an undertaking engaged in the transport of passengers or goods by railway, road, or air, or inland navigation, whether for hire or reward or on its own account and having its principal place of business in the territory of one of the Contracting Parties; and
- (ii) employed in the territory of one or more of the Contracting Parties as a member of the travelling personnel;

other than a person who is employed only in the island of Ireland and a Rhine boatman as defined in Article 1 of the Agreement of 27 July 1950 concerning the social security of Rhine boatmen;

(i) "members of the family" means members of the family defined as such by the legislation administered by the competent institution.

Article 2

1. Workers shall be subject to the legislation of only one Contracting Party.
2. The applicable legislation shall be that of the Contracting Party in whose territory the undertaking which employs the workers has its principal place of business.
3. Nevertheless, where the undertaking has a branch or a permanent agency in the territory of one or more of the Contracting Parties other than that in which it has its principal place of business, the workers employed by such branch or permanent agency shall be subject to the legislation of the Contracting Party in the territory of which the branch or permanent agency is situated.
4. Notwithstanding the provisions of the preceding paragraphs of this article, in any case where the worker is employed wholly or mainly in the territory of a Contracting Party and is resident in that territory the legislation of that Party shall apply even if the undertaking which employs him has no principal place of business or branch or permanent agency in that territory.
5. The competent authorities of two or more Contracting Parties may agree that, in the case of individual workers or groups of workers, if it is in the workers'

interests, exceptions to the preceding provisions of this article shall be made in respect of the legislation applicable and, if so, shall indicate which legislation other than that normally applicable shall apply.

PART II

PROVISIONS CONCERNING SOCIAL SECURITY BENEFITS

Article 3

1. A worker who, for the purposes of his employment, as specified in paragraph (h) of Article 1 of this Convention, finds himself in the territory of one of the Contracting Parties other than that whose legislation is applicable to him, and whose condition necessitates the provision of sickness and maternity benefits, shall be entitled to such benefits as if he were in the territory of the Contracting Party whose legislation is applicable to him.
2. Nevertheless, benefits in kind which are immediately necessary shall be furnished by the institution of the place of sojourn; in so far as the extent and duration of these benefits and the manner in which they are provided are concerned, they shall be furnished according to the legislation of the country where this institution is situated. Where this legislation provides for several sickness and maternity benefit schemes based on different provisions, the applicable provisions shall be those which apply to workers employed by a transport undertaking of the same kind as that which employs the worker concerned. In so far as the extent or the duration of benefits in kind is more favourable under the legislation administered by the competent institution than under the legislation administered by the institution of the place of sojourn, such benefits shall be furnished by the latter institution in so far as this is possible, at the request of the competent institution.
3. The right of a worker to benefits in kind in accordance with the legislation to which he is subject shall be maintained to the extent to which it still exists after the provision of benefits in accordance with the preceding paragraph. If the said legislation provides for a maximum duration of benefits, the competent institution, in determining whether the said maximum duration is exhausted, shall take into account the period for which benefits have been furnished in accordance with the preceding paragraph, where the condition of the worker necessitates benefits for the same case of sickness or maternity after return to the country in which this institution has its head office.
4. Prosthetic and major surgical appliances and other more important benefits in kind to be specified by agreement by the competent authorities of the Contracting Parties shall be granted only if the competent institution agrees.

5. Benefits in cash shall be paid in accordance with the legislation administered by the competent institution. At the request of the said institution, the payment may be made on its behalf by the institution of the place of sojourn.

6. The provisions of the preceding paragraphs shall be applicable by analogy to the members of the family of a worker employed on board a vessel engaged in inland navigation who live with him on such vessel.

Article 4

1. A worker who suffers an employment injury in the territory of one of the Contracting Parties and who, for the purposes of his employment, as specified in paragraph (h) of Article 1 of this Convention, finds himself in the territory of a Contracting Party other than that whose legislation is applicable to him, shall be entitled to benefits in kind and periodical benefits in cash other than pensions as if he had suffered the employment injury in the territory of the Contracting Party whose legislation is applicable to him.

2. Paragraphs 2, 3 and 4 of Article 3 shall be applicable by analogy to benefits in kind.

3. Where there is no employment injury insurance scheme in the territory of the Contracting Party where the worker finds himself, or where such a scheme exists but does not provide for institutions to furnish benefits in kind, these benefits shall be furnished by that institution of the place of sojourn which is responsible for furnishing benefits in kind in case of sickness.

4. If any legislation provides benefits in kind free of charge only if the beneficiary uses a medical service organised by the employer, the benefits in kind provided in accordance with paragraphs 1, 2 and 3 of this article shall be considered as having been provided by this medical service.

5. Paragraph 5 of Article 3 shall be applicable by analogy to periodical benefits in cash other than pensions.

Article 5

In the cases covered by Articles 3 and 4 of this Convention, the competent institution shall reimburse the actual cost of the benefits in kind to the institution having furnished them. Nevertheless, the competent authorities concerned may agree that there shall be a lump-sum reimbursement; they may also agree, for example, with a view to simplification, that no reimbursement shall be made.

Article 6

If the legislation of a Contracting Party provides benefits in kind for any worker in the territory of that Party without regard to nationality or social insurance and, either absolutely or subject to reciprocal arrangements, without regard to residence, then—

- (a) any worker in the territory of that Party shall be entitled to benefits in kind in accordance with the legislation of that Party;
- (b) no provision of Articles 3 and 4 which concerns benefits in kind shall apply to any worker who is insured under the legislation of that Party or to any worker who finds himself in that territory;
- (c) that Party shall, at the request of any other Party, enter into negotiations with the latter Party for an agreement to provide benefits in kind for workers insured under the legislation of either Party who find themselves in the territory of the other Party.

Article 7

1. If a worker who is subject to the legislation of one Contracting Party dies in the territory of another Contracting Party in which he finds himself for the purposes of his employment, as specified in paragraph (h) of Article 1 of this Convention, the death shall, for the purpose of determining entitlement to a death grant under the said legislation, be deemed to have occurred in the territory of the former Party. The death grant shall not be withheld on the ground that the person claiming it is absent from that territory if he is in the territory of any other Contracting Party.

2. The provisions of the preceding paragraph shall be applicable by analogy when a member of the family specified under paragraph 6 of Article 3 dies in the territory of a Contracting Party other than that where the competent institution is situated.

Article 8

1. For the purposes of Articles 3, 4 and 7 of this Convention workers shall be subject to the obligations of and entitled to receive the benefits of the legislation of a Contracting Party of which they are not nationals under the same conditions as the nationals of that Party.

2. The cash benefits referred to in this Convention shall not be liable to any reduction, modification, suspension or confiscation by reason of the fact that the worker finds himself for the purposes of his employment, as specified in paragraph (h) of Article 1, in the territory of a Contracting Party other than that in which the competent institution is situated.

PART III

MISCELLANEOUS PROVISIONS

Article 9

In cases falling under paragraph 4 of Article 2 of the present Convention, the employer shall comply with the obligations of the legislation administered by the competent institution.

Article 10

1. The competent authorities of the Contracting Parties shall—
 - (a) make such administrative arrangements as may be required for the application of this Convention;
 - (b) take any other measure which may be required to facilitate the settlement of particular cases of individual workers or groups of workers, to the advantage of these workers and the members of their families; and
 - (c) communicate to each other all information regarding any measure taken by them for the application of this Convention and any changes made in their legislation which might affect the application of this Convention.
2. For the purposes of paragraphs (a) and (b) of the preceding paragraph, the Director-General of the International Labour Office may convene meetings of the representatives of the competent authorities of the Contracting Parties, at the request, or after consultation, of the said authorities.

Article 11

1. The authorities and institutions of the Contracting Parties shall furnish assistance to each other with regard to any matter relating to the application of this Convention as if the matter were one affecting the application of their own legislation. Mutual assistance by the said authorities and institutions shall, as a rule, be furnished free of charge, but the competent authorities of the Contracting Parties may agree on the reimbursement of certain expenses, after consultation of the institutions concerned.
2. The authorities and institutions of the Contracting Parties may, for the purpose of applying this Convention, correspond directly with each other, or with any person concerned or with his representative.

Article 12

1. The benefit of any exemption from, or any reduction of, legal dues, stamp charges, court fees or registration fees, granted by the legislation of a Contracting Party in respect of documents or papers to be furnished by or in respect of a

worker or a member of his family for the purposes of the legislation of that Party shall be extended to the corresponding documents to be furnished for the purposes of the legislation of another Party or of this Convention.

2. The requirement of authentication by the diplomatic and consular authorities shall be waived in respect of all certificates, documents or papers to be furnished for the purposes of this Convention.

Article 13

Any claim, notice or appeal which should, for the purposes of the legislation of a Contracting Party, have been lodged within a prescribed period with any authority, institution or other body of that Party shall be admissible if it is lodged within the same period with a corresponding authority, institution or body of another Party. In such cases, the latter authority, institution or body shall transmit the claim, notice or appeal without delay to the authority, institution or body of the former Party, either direct or through the competent authorities of the Parties.

Article 14

1. The institutions of a Contracting Party responsible, in virtue of this Convention, for making payments to institutions or persons in the territory of another Contracting Party may validly discharge the debt in the currency of the former Party.

2. Where a payment is due to be made in pursuance of this Convention from one Contracting Party to another, it shall be made in accordance with the agreements referring to such payments which may be in force between two or more Parties at the time when the payment is due to be made. Where such agreements between two Parties are not in force, the competent authorities of such Parties or the authorities responsible for international payments shall agree upon the measures necessary for making the said payments.

Article 15

1. Any dispute which arises between two or more Contracting Parties concerning the interpretation or application of this Convention shall be settled by means of direct negotiations between the competent authorities of the Parties concerned. If the dispute deals with a question in which all Parties are interested, it may be submitted to a meeting of the representatives of the competent authorities of all Parties, convened in accordance with paragraph 2 of Article 10. Such meeting

can settle the dispute only by unanimous decision and in accordance with the fundamental principles and the spirit of this Convention.

2. If the dispute cannot be so settled within a period of six months from the beginning of negotiations, it shall be submitted to an arbitral commission; the composition and the procedure of this commission shall be determined by an agreement among the Contracting Parties concerned.

3. The decision of the arbitral commission shall be in accordance with the fundamental principles and the spirit of this Convention. Such decision shall be binding.

PART IV

TRANSITIONAL AND FINAL PROVISIONS

Article 16

1. This Convention shall not confer any right to receive any benefit in respect of any period preceding the date of its entry into force.
2. In the event of the denunciation of this Convention, any right acquired in accordance with its provisions shall be maintained.

Article 17

1. The provisions of this Convention with the exception of Article 2 shall not affect the provisions of any other bilateral or multilateral instrument concerning social security concluded or to be concluded between two or more Contracting Parties which are applicable to workers engaged in international transport and are more favourable to such workers.
2. Where a Contracting Party or its competent authority has concluded an agreement with a State or Territory which is not a Contracting Party or with the appropriate authority of such a State or Territory, and that agreement provides that workers shall be subject to the social security legislation of that State or Territory, the provisions of Article 2 shall not affect the provisions of that agreement.

Article 18

The requirements of this Convention concerning the provision of benefits need not be applied when a worker or a member of his family specified under paragraph 6 of Article 3 and paragraph 2 of Article 7 of this Convention receives these benefits directly in virtue of the legislation of the Contracting Party applicable to him.

Article 19

1. This Convention shall be open to the signature of every European Member of the International Labour Organisation.
2. This Convention shall be subject to ratification. Each instrument of ratification shall be deposited with the Director-General of the International Labour Office.

Article 20

1. After the expiration of a period of two years following the entry into force of this Convention as provided for in paragraph 1 of Article 21, a European State which is not a Member of the International Labour Organisation may accede to the Convention subject to the unanimous agreement of the Contracting Parties. Accession to the Convention shall confer the same rights and involve the same obligations as ratification.
2. Each instrument of accession shall be deposited with the Director-General of the International Labour Office.

Article 21

1. This Convention shall come into force on the first day of the second month following that in which the second instrument of ratification is deposited.
2. This Convention shall come into force for any Signatory State ratifying it subsequently or any State acceding to it on the first day of the second month following that in which its instrument of ratification or accession is deposited.

Article 22

1. This Convention shall remain in force without any limitation of time, subject to the right of each Contracting Party to denounce it by a notification addressed to the Director-General of the International Labour Office. Such denunciation shall take effect six months after receipt of such notification.
2. After the expiration of a period of two years following the entry into force of this Convention, the Director-General of the International Labour Office may, at the request of a Contracting Party, convene a meeting of the representatives of the Contracting Parties to consider its possible revision.

Article 23

The Director-General of the International Labour Office shall notify the Signatory States and any States acceding to the Convention of—

- (a) the deposit of each instrument of ratification or accession;

- (b) the date of entry into force of this Convention in accordance with paragraph 1 of Article 21; and
- (c) any notification of denunciation received in accordance with paragraph 1 of Article 22.

Article 24

1. As soon as this Convention has come into force a certified copy thereof shall be communicated by the Director-General of the International Labour Office to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations.

2. In accordance with Article 102 of the Charter of the United Nations, the Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations for registration any ratification, accession or denunciation of which he has been notified.

Article 25

The English and French versions of the text of this Convention are equally authoritative.

IN WITNESS THEREOF the undersigned, duly authorised by their respective Governments, have signed this Convention.

DONE at Geneva, 9 July 1956, in two original copies in English and French. The Director-General of the International Labour Office shall send certified copies of the text of this Convention to each of the Governments of the Signatory States.

L. WATTILON

President of the Conference

For France :

F. NETTER
9 October 1956

For the Netherlands

(For the Kingdom in Europe)

W. H. J. VAN ASCH VAN WIJCK
12 October 1956

For the Federal Republic of Germany :

Rudolf THIERFELDER
25 October 1956

For Poland :

Jerzy JURKIEWICZ
26 October 1956

For Switzerland :

SAXER
29 October 1956

For Turkey :

Cahit S. HAYTA
30 October 1956

For Hungary :

Kapcsos KÁROLY
31 October 1956

For Luxembourg :

I. BESSLING
1 November 1956

For Italy :

Marcello DEL DRAGO
1 November 1956

For Yugoslavia :

V. REPIČ
28 November 1956

For Belgium

LEROY
5 December 1956

For Spain :

L. G. DE LLERA
1 May 1958

REPORT OF THE INTERGOVERNMENTAL CONFERENCE ON THE
DRAFT EUROPEAN CONVENTION CONCERNING THE SOCIAL SE-
CURITY OF WORKERS ENGAGED IN INTERNATIONAL TRANSPORT.
DONE AT GENEVA, ON 9 JULY 1956

1. The Intergovernmental Conference on the Draft European Convention concerning the Social Security of Workers Engaged in International Transport, convened by the Director-General of the International Labour Office, in accordance with the decision of the Governing Body of the International Labour Office at its 131st Session (February-March 1956), was held in Geneva from 3 to 9 July 1956.

The Governments of all the European States Members of the International Labour Organisation were invited to take part in this Conference.

2. The Governments of the following States were represented: Austria, Belgium, Denmark, France, the Federal Republic of Germany, Ireland, Italy, Luxembourg, Netherlands, Norway, Poland, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, and Yugoslavia. The Governments of Czechoslovakia and the Union of Soviet Socialist Republics were represented by Observers.

3. Mr. Luis Alvarado, Representative of the Director-General of the International Labour Office, opened the Conference and recalled the work of the Preparatory Meeting to consider the text of the draft of a European Convention concerning the social security of workers engaged in international transport, which was held at Geneva from 7 to 13 December 1955. He stated that this tripartite meeting, as the result of its proceedings, had established a draft instrument, which had been communicated to the Governments of the European States Members of the International Labour Organisation, with a request that they send any amendments they might wish to suggest to the International Labour Office.

4. The Conference elected the following officers:

President: Mr. L. Watillon (Representative of Belgium).

Vice-President: Mr. A. Patterson, C.M.G. (Representative of the United Kingdom of Great Britain and Northern Ireland).

Reporter: Mr. A. Saxer (Representative of Switzerland).

The Drafting Committee was composed as follows: Mr. A. Saxer (Reporter and Chairman of the Committee), Mr. M. von Borries (Federal Republic of Germany), Mr. J. Dedieu (France), Mr. P. Juhl-Christensen (Denmark) and Mr. A. Patterson (United Kingdom of Great Britain and Northern Ireland).

5. The Conference held eight sittings. The Drafting Committee held three sittings.

6. The Conference adopted as Standing Orders the draft which was submitted by the International Labour Office (Document CISST/D.36.1956).

7. The Conference decided to adopt as a basis for discussion the draft of a European Convention concerning the social security of workers engaged in international transport, which had been approved without opposition at the last sitting of the Preparatory Meeting mentioned above (Document CSST/D.45.1955 (Rev. 2)).

8. The Conference considered it desirable not to re-open the general discussion, as the principles on which the Convention should be based had already been the subject of discussion at the Preparatory Meeting. Consequently, the Conference began immediately to examine the articles of the text and the individual amendments.

The decisions taken on each amendment as well as on each formal proposal are contained in special documents—"Records of Decisions"—the texts of which were approved in the course of the proceedings of the Conference.

9. In adopting the text of paragraph (c) of Article 1, the Conference stated that in cases where the contingencies (branches) referred to in this paragraph formed part of the same scheme as other contingencies (branches), the legislation concerning such scheme is applicable in its entirety.

10. The Conference examined an amendment which provided for the application of the Convention only to workers who are nationals of one of the Contracting Parties or are stateless persons. This amendment was justified by the fact that several bilateral and multilateral Conventions apply only to the nationals of the Contracting Parties and to stateless persons and that it would be desirable to adopt the same principle in the present instrument. Furthermore, the extension to all workers of this Convention, the scope of which is limited to short-term benefits, might create delicate situations in cases where the workers concerned are nationals of a country which has not concluded general social security conventions with the Contracting Parties concerned. However, since the Conference considered that it would be very difficult in practice to make distinctions among workers engaged in international transport on the basis of their nationality, the amendment was withdrawn.

11. The Conference confirmed that the term "on its own account" in paragraph (h) of Article 1 means that the Convention applies to the workers in any undertaking who are employed by such undertaking in the transport of its own products or merchandise, by means of its own vehicles.

12. The Conference considered whether or not the instrument should apply to workers in railway transport. It was pointed out that the exclusion of such workers might be justified by the fact that this category of workers is often covered by special schemes analogous to or identical with the scheme for civil servants, and that, furthermore, the cases of employment outside the country of affiliation are not frequent. However, after having stated that present developments tend to an increase in the number of railway workers who, in international trains, serve in the territory of another country, and that, in addition, the members of the staff of sleeping cars and restaurant cars are only exceptionally assimilated to civil servants, the Conference decided to admit this category of workers to the advantages afforded by the Convention.

13. The Conference also affirmed that the Convention should apply to flight personnel engaged in transport by air.

14. The Conference considered whether or not it would be desirable, in paragraph (i) of Article 1, to define the term "members of the family" according to the legislation applicable to the institution of the place of sojourn. The Conference decided to maintain the reference to the definition contained in the legislation applicable to the competent institution, because the instrument covers only the members of the family of the worker who live with him on a vessel engaged in inland navigation.

15. The Conference decided to delete paragraph 3 of Article 2 of the draft (Document CSST/D.45.1955 (Rev. 2)), which read as follows :

“If the employer operates his means of transport himself and if his undertaking does not have its principal place of business in the territory of a Contracting Party, the legislation applicable to the workers employed on this means of transport shall be that of the Contracting Party in whose territory the employer is ordinarily resident. If the employer is not ordinarily resident in the territory of a Contracting Party, the legislation applicable shall be that of the Contracting Party of which he is a national.”

While admitting the desirability of such solutions for inland navigation and small owner-operated road transport undertakings, the Conference declared that the provision of paragraph 5 of Article 2 is quite sufficient so that such cases may be regulated in the same way by direct agreements between the competent authorities.

16. The Conference did not accept the amendment to add periods of insurance for the purpose of the acquisition and the maintenance of rights to sickness and maternity insurance benefits. It considered that such an amendment was outside the scope of the Convention since the latter does not provide for transfer from one legislation to another but only for the furnishing of benefits outside the country of affiliation.

17. In adopting paragraph 2 of Article 3, the Conference stated that this provision does not affect the provision contained in Article 18. For example, a worker who may invoke Article 18 is, if the legislation applicable to him so permits, free to accept or not the provision of benefits in kind by the institution of the place of sojourn.

18. The Conference considered whether the concept of “the manner in which they are provided” (*modalités de service*) referred to in paragraph 2 of Article 3 implies that the medical care tariffs which are applicable to the persons insured by an institution are compulsorily applicable to workers affiliated to the institution of another country. While admitting that the application of this principle raises difficulties, the Conference did not accept an amendment to include the words “in so far as possible” before the words “the manner in which they are provided” in order to avoid an interpretation according to which the application of special tariffs for foreign workers would be admissible. The Conference recommended that the tariffs applicable to the foreign workers covered by the present Convention should be the same as those applicable to the persons insured by the institution furnishing the benefits.

19. In connection with paragraph 2 of Article 4, which refers to paragraph 2 of Article 3, the Conference stated that the benefits in kind “immediately necessary” in cases of an employment injury include not only first aid but also all other normal benefits in kind which the condition of the injured person requires.

20. The Conference stated that Article 7 refers to death grants due not only in respect of a death resulting from an ordinary illness, but also in respect of a death resulting from an employment injury.

21. The Conference adopted unanimously the Final Act¹ signed by the Government Representatives and the text of the Convention² signed by its President and annexed to the Final Act.

Geneva, 9 July 1956

L. WATILLON
President

A. SAXER
Reporter

¹ See p. 4 of this volume.

² See p. 10 of this volume.