

**No. 5198**

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**ITALY  
and  
MONACO**

**Convention on insurance against industrial accidents and occupational diseases. Signed at Rome, on 6 December 1957**

*Official text : French.*

*Registered by Italy on 28 June 1960.*

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**ITALIE  
et  
MONACO**

**Convention relative à l'assurance des accidents du travail et des maladies professionnelles. Signée à Rome, le 6 décembre 1957**

*Texte officiel français.*

*Enregistrée par l'Italie le 28 juin 1960.*

[TRANSLATION — TRADUCTION]

No. 5198. CONVENTION<sup>1</sup> BETWEEN THE ITALIAN REPUBLIC AND THE PRINCIPALITY OF MONACO ON INSURANCE AGAINST INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES. SIGNED AT ROME, ON 6 DECEMBER 1957

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The President of the Italian Republic  
and

His Most Serene Highness the Sovereign Prince of Monaco ;

Considering that because of the movements of workers between Italy and the Principality of Monaco it is desirable to co-ordinate the schemes of insurance against industrial accidents and occupational diseases in the two countries in order to guarantee the benefits of those schemes to nationals of Italy and Monaco,

Have resolved to conclude a Convention and have appointed for that purpose as their plenipotentiaries :

The President of the Italian Republic :

His Excellency Carmine De Martino, Under-Secretary of State for Foreign Affairs,

His Most Serene Highness the Sovereign Prince of Monaco :

His Excellency Henry Soum, Minister of State, Director of External Relations, who, having exchanged their full powers, found in good and due form, have agreed upon the following provisions :

PART I

GENERAL PROVISIONS

*Article 1*

*Paragraph 1.* The present Convention applies :

(a) In Italy :

—To the legislation on the declaration of, compensation for and insurance against industrial accidents and occupational diseases.

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<sup>1</sup> Came into force on 1 March 1960, the first day of the month following the exchange of the instruments of ratification which took place at Monaco on 15 February 1960, in accordance with article 18.

(b) In the Principality of Monaco :

—To the legislation on insurance against industrial accidents and occupational diseases ;

*Paragraph 2.* The present Convention shall also apply to any legislation or regulations which have amended or supplemented, or which may in the future amend or supplement, the legislation referred to in paragraph 1 of this article.

#### *Article 2*

Nationals of Monaco or of Italy who are employed persons or persons treated as employed persons in the legislation mentioned in article 1 of the present Convention, hereinafter referred to as “employed persons”, shall be subject to the legislation applicable in Italy and in the Principality of Monaco respectively.

They shall enjoy the benefits of such legislation as if they were nationals of the country concerned.

#### *Article 3*

Employed persons who are nationals of Monaco or Italy, and who are employed in one of the contracting countries shall be subject to the legislation in force at the place of their employment.

Nevertheless, the competent administrative authorities of the contracting countries may provide, by mutual agreement, for exceptions to the rule given in the present article.

#### *Article 4*

No provisions in the legislation of one of the contracting Parties in respect of industrial accidents and occupational diseases which limit the rights of aliens or disqualify them by reason of their place of residence shall apply to nationals of the other party.

Any increases or supplementary allowances awarded in addition to the industrial accident pensions under the legislation applying in each of the contracting countries shall continue to be paid to persons covered by the preceding paragraph who transfer their residence from one country to the other.

#### *Article 5*

Any industrial accident causing or likely to cause death or permanent total or partial disablement suffered in Italy by an employed person who is a national of Monaco or in Monaco by an employed person who is a national of Italy shall be notified to the local consular authorities of the country of which the employed person is a national by the competent institution or by the employer.

Notification shall be made by the competent institution or by the employer within the period prescribed for the declaration of accidents to the competent authorities or institutions under the national legislation. Copies of the documents relating to the declaration, of the medical certificates and of the report of the inquiry shall where necessary be transmitted within the same period.

#### *Article 6*

In assessing the degree of disablement in the event of an industrial accident or occupational disease in one of the contracting countries, any previous industrial accident or occupational disease covered by the legislation of the other contracting country shall, even if the degree of disablement was less than the minimum in respect of which benefits are payable, be taken into account as if it were an accident or disease covered by the legislation applicable to the employed person in the case of the new accident or disease. Nevertheless, the former contracting country shall be responsible for compensation in respect of the last accident or disease only.

#### *Article 7*

If an employed person who has received compensation for an occupational disease in one of the contracting countries submits a claim under the legislation of his new place of employment in the other country for a disease of the same kind, he shall be bound to declare to the competent institution of the latter country all benefits previously received in respect of the same disease.

The institution responsible for the new benefits shall take into account all previous benefits as if it had been responsible for paying them.

#### *Article 8*

Benefits payable under Italian legislation to employed persons who are nationals of Monaco or Italy and who are insured with a competent Italian institution may be paid on the territory of the Principality. In such case the benefits payable under that legislation shall be paid to the insured persons and to their dependants under conditions and by procedures to be determined by an arrangement between the competent administrative authorities of the two contracting countries.

Benefits payable under the legislation of Monaco to workers who are nationals of Monaco or Italy and who are insured under the appropriate scheme in Monaco, may be paid on Italian territory. In such case the benefits payable under that legislation shall be paid to the insured persons and to their dependants under conditions and by procedures to be determined by an arrangement between the competent administrative authorities of the two contracting countries.

## PART II

## PROVISIONS FOR IMPLEMENTATION

*Article 9*

The authorities and the competent institutions of the two contracting countries shall furnish assistance to one another to the same extent as if the matter in question were one affecting the application of their own schemes.

*Article 10*

*Paragraph 1.* Any exemption from registration fees, court fees, stamp duty and consular fees provided for in the legislation of one of the contracting countries in respect of documents required to be produced to the administrative authorities or competent institutions of that country shall be extended to documents required to be produced for the purposes of the present Convention to the administrative authorities or competent institutions of the other country.

*Paragraph 2.* Where any certificate, document or paper has to be produced for the purpose of applying the present Convention, legalization by the diplomatic and consular authorities shall not be required.

*Article 11*

Any appeal that is required to have been presented within a prescribed period to an authority or institution competent to accept such appeals in one of the contracting countries shall be deemed to have been validly made if it is presented within the same period to a corresponding authority or institution in the other country. In such case the latter authority or institution shall transmit the appeal to the competent institution without delay.

*Article 12*

*Paragraph 1.* The competent administrative authorities of the contracting States shall directly determine the detailed measures for the application of the present Convention, in so far as the said measures require an agreement between them.

The competent administrative authorities shall communicate to each other and in good time information regarding any changes made in their national legislation and regulations concerning the schemes referred to in article 1.

*Paragraph 2.* The competent authorities or services in each of the contracting countries shall communicate to each other directly information regarding measures taken in their respective countries for the application of the present Convention.

*Article 13*

The Ministries or ministerial departments responsible within their respective spheres of action for the administration of the legislation specified in article 1 shall be deemed to be the competent administrative authorities for the purposes of the present Convention in each of the Contracting States.

## PART III

## FINAL PROVISIONS

*Article 14*

Subject to the exchange control regulations, the institutions responsible for benefits under the present Convention shall be held to discharge their responsibility validly by payments in the currency of their country.

*Article 15*

Supplementary agreements may be concluded determining the arrangements under which the institutions responsible for benefits may, if the beneficiary resides in the other contracting country or transfers his residence to that country, request the competent institution of the latter country to pay the benefits.

*Article 16*

Any formalities that may be presented by the legislation or regulations of one of the contracting States in respect of the payment outside its territory of benefits furnished by its institutions shall also apply in the same manner as to nationals to all persons awarded such benefits under the present Convention.

*Article 17*

*Paragraph 1.* Any difficulties relating to the interpretation or application of the present Convention shall be resolved by a Mixed Commission which shall consist of representatives of the competent administrations of each country and shall meet at Rome or in Monaco.

*Paragraph 2.* If the difficulty cannot be resolved by this means, the dispute shall be settled by arbitration, in accordance with a procedure to be arranged by the two Governments. The arbitral body shall settle the dispute in accordance with the fundamental principles and spirit of the present Convention.

*Article 18*

*Paragraph 1.* The present Convention shall be ratified and the instruments of ratification shall be exchanged as soon as possible.

*Paragraph 2.* The Convention shall enter into force on the first day of the month following the exchange of the instruments of ratification.

*Paragraph 3.* Where payment of any benefits has been suspended under the provisions in force in one of the contracting countries by reason of the nationality or residence abroad of the beneficiary, the benefit shall be paid, without arrears, in accordance with the provisions of the present Convention and as from the day of its entry into force. Benefits which could not be awarded to beneficiaries for the same reason shall be awarded and paid under the same conditions and as from the same date.

The provisions of the present paragraph shall only apply where claims are made within one year from the date on which the present Convention enters into force.

*Article 19*

*Paragraph 1.* The present Convention shall be concluded for a period of one year. It shall continue in force from year to year unless notice of termination is given three months before the expiry of the period.

*Paragraph 2.* In the event of such termination, the provisions of the present Convention shall continue to apply to rights already acquired, notwithstanding any restrictive provisions made in the schemes concerned in respect of cases where an insured person resides abroad.

IN WITNESS WHEREOF the respective plenipotentiaries have signed the present Convention and affixed their seals thereto.

DONE in duplicate at Rome on 6 December 1957.

For the Italian Republic :  
Carmine DE MARTINO

For the Principality of Monaco :  
Henry SOUM