

No. 10306

MULTILATERAL

**Agreement concerning the Social Security of Rhine Boatmen
(revised) (with annexes). Signed at Geneva on 13 February 1961**

Authentic texts: German, French and Dutch.

Registered by the International Labour Organisation on 9 February 1970.

MULTILATÉRAL

**Accord concernant la sécurité sociale des bateliers rhénans
(révisé) [avec annexes]. Signé à Genève le 13 février 1961**

Textes authentiques: allemand, français et néerlandais.

Enregistré par l'Organisation internationale du Travail le 9 février 1970.

[TRANSLATION¹ — TRADUCTION²]

AGREEMENT³ CONCERNING THE SOCIAL SECURITY OF RHINE BOATMEN (REVISED)

The Kingdom of Belgium, the French Republic, the Federal Republic of Germany, the Grand-Duchy of Luxembourg, the Kingdom of the Netherlands and the Swiss Confederation,

Having decided to substitute a new Agreement for the Agreement concerning the Social Security of Rhine Boatmen signed at Paris on 27 July 1950,⁴ and having for this purpose appointed their plenipotentiaries, whose full powers have been found to be in good and due form,

Have adopted the following provisions :

TITLE I

GENERAL PROVISIONS

Article 1

1. For the purposes of this Agreement—

(a) the expression “Contracting Party” means any signatory State that has deposited an instrument of ratification in accordance with paragraph (2) of Article 43, or any other State that has deposited an instrument of accession in accordance with paragraph (2) of Article 44 of this Agreement;

(b) the expressions “territory of a Contracting Party” and “nationals of a Contracting Party” are defined in Annex A to this Agreement; each Contracting Party shall give notice, in accordance with Article 48 of this Agreement, of every amendment to be made to Annex A, within three months after the date of commencement of the legislation giving rise to the amendment;

¹ Translation by the International Labour Organisation.

² Traduction par l'Organisation internationale du Travail.

³ Came into force on 1 February 1970, the first day of the third month following that in which the last instrument of ratification was deposited by the States bordering on the Rhine and by Belgium, as indicated below, in accordance with article 45 (1) :

<i>State</i>	<i>Date of deposit</i>	<i>State</i>	<i>Date of deposit</i>
France	20 November 1962	Luxembourg	25 November 1963
Netherlands	23 January 1963	Switzerland	22 November 1966
Belgium	4 June 1963	Federal Republic of Germany	12 November 1969

⁴ United Nations, *Treaty Series*, vol. 166, p. 73.

(c) the expression “legislation” means the existing and future Acts, regulations and rules of each Contracting Party relating to the branches of social security and social security schemes specified in Article 3 of this Agreement;

(d) the expression “social security Convention” means every bilateral or multilateral instrument already concluded or to be concluded between two or more Contracting Parties exclusively, and every other multilateral instrument by which two or more Contracting Parties are or may subsequently be bound in respect of social security as a whole or of one or more of the social security schemes and branches specified in Article 3 of this Agreement, together with agreements of any kind concluded pursuant to the said instruments;

(e) the expression “appropriate authority” means, in relation to each Contracting Party, the minister or other corresponding authority responsible for the branches of social security and social security schemes applicable to Rhine boatmen in the territory or any part of the territory of the Contracting Party in question;

(f) the expression “institution” means, in relation to each Contracting Party, the body or authority responsible for applying all or part of the legislation;

(g) the expression “appropriate institution” means—

- (i) in relation to a social insurance scheme, the institution designated by the appropriate authority of the Contracting Party concerned or the institution with which the Rhine boatman is insured when he claims benefit, or from which he is entitled to benefit or would continue to be entitled to benefit if he were permanently resident in the territory of the Contracting Party where he was last employed;
- (ii) in relation to a scheme, other than a social insurance scheme, which relates to the obligations of the employer in respect of the benefits referred to in paragraph (1) of Article 3 of this Agreement, either the employer or his insurer or, in default thereof, a body or authority to be specified by the appropriate authority of the Contracting Party concerned;
- (iii) in relation to a non-contributory scheme or scheme for family allowances, the body or authority entrusted with the award of benefits in accordance with this Agreement;

(h) the expression “appropriate Contracting Party” means the Contracting Party in whose territory the appropriate institution is situated;

(i) the expression “permanent residence” means the place where a person ordinarily resides;

(j) the expressions “institution of the place of permanent residence” and “institution of the place of temporary residence” mean—

- (i) the institution appropriate for the place where the person concerned is permanently or temporarily resident, according to the legislation of the Contracting Party concerned;
- (ii) if such institution is not designated by such legislation, then an institution designated by the appropriate authority of the Contracting Party in question for the purposes of this Agreement;

(k) the expression “Rhine boatmen” means employed persons or persons treated as such in virtue of the national legislation that is applicable, who are or have been subject to the legislation of one or more of the Contracting Parties by reason of their employment as members of the crew of a vessel used commercially in Rhine navigation and furnished with a certificate under Article 22 of the revised Convention on Rhine Navigation signed at Mannheim on 17 October 1868, due account being taken of the amendments already made or to be made thereto and of the regulations made thereunder;

(l) the expression “refugees” means refugees covered by Article 1 of the Convention relating to the Status of Refugees, signed at Geneva on 28 July 1951;¹

(m) the expression “members of the family” means the persons defined or recognised as such or designated as members of the household by the legislation of their country of permanent residence; where, however, the said legislation regards only persons living with the Rhine boatman as members of the family or members of the household, this condition shall be deemed to be satisfied, in cases coming under this Agreement, if such persons are principally maintained by the Rhine boatman;

(n) the expression “survivors” means the persons defined as such in the legislation applicable; where, however, the said legislation regards as survivors only persons who were living with the deceased Rhine boatmen, this condition shall be deemed to be satisfied, in cases coming under this Agreement, if such persons were principally maintained by the Rhine boatman;

(o) the expression “periods of insurance” covers contribution periods and periods of employment defined or taken into account as periods of insurance under the legislation respecting a contributory scheme under which they were completed;

¹ United Nations, *Treaty Series*, vol. 189, p. 137.

(p) the expression “periods of employment” means periods of employment as defined or taken into account under the legislation under which they were completed;

(q) the expression “equivalent periods” means periods treated as periods of insurance or, in appropriate cases, as periods of employment, as defined by the legislation under which they were completed, in so far as they are regarded by the said legislation as equivalent to periods of insurance or employment;

(r) the expressions “benefits” and “pensions” mean benefits and pensions with the inclusion of all elements thereof provided out of public funds, increases, revaluation allowances or supplementary allowances, and such lump-sum benefits as are payable in lieu of pensions;

(s) the expression “death grant” means any lump sum payable in the event of death.

Article 2

1. This Agreement applies, in the territory of the Contracting Parties, to Rhine boatmen who are nationals of one of the Contracting Parties or of one of the other States represented on the Central Commission for Rhine Navigation or who are stateless persons or refugees, and to the members of their families and their survivors.

2. In addition, this Agreement applies to the survivors of Rhine boatmen, irrespective of the nationality of the latter, where such survivors are nationals of one of the Contracting Parties or of one of the other States represented on the Central Commission for Rhine Navigation or are stateless persons or refugees permanently resident in the territory of one of the Contracting Parties.

3. This Agreement does not apply to members of the crews of—

- (a) sea-going vessels recognised as such by the legislation of the State whose flag the vessel flies;
- (b) vessels used exclusively or mainly in inland ports or seaports.

Article 3

1. This Agreement applies to all legislation governing—

- (a) sickness and maternity benefits;
- (b) invalidity benefits, including benefits granted for the purpose of maintaining or improving earning capacity, other than those provided in respect of industrial accidents or occupational diseases;

- (c) old-age benefits;
- (d) survivors' benefits other than those provided in respect of industrial accidents or occupational diseases;
- (e) benefits in respect of industrial accidents and occupational diseases;
- (f) death grants;
- (g) unemployment benefits;
- (h) family allowances.

2. This Agreement applies to all general and special social security schemes, whether contributory or non-contributory, including schemes which relate to the employer's obligations in respect of the benefits mentioned in the preceding paragraph.

3. Annex B to this Agreement specifies for each Contracting Party the social security legislation in force in its territory at the date of signature of this Agreement, and to which this Agreement applies.

4. Every Contracting Party shall give notice, in accordance with Article 48 of this Agreement, of every amendment to be made in Annex B as a result of the adoption of new legislation. Such notice shall be given within three months after the publication of such legislation.

Article 4

1. Two or more Contracting Parties may, if necessary, conclude with each other additional agreements applicable to Rhine boatmen and founded on the principles and spirit of this Agreement. They may also agree that, in so far as they are concerned, some other social security Convention or regulations in force between them shall replace the provisions of this Agreement, either in whole or in part, if the provisions of such other Convention or regulations, on becoming applicable, are not in any case less favourable to the persons concerned than the corresponding provisions of this Agreement.

2. Each Contracting Party shall give notice, in accordance with Article 48 of this Agreement, of every agreement which it concludes with another Contracting Party in virtue of the preceding paragraph. Such notice shall be given within three months after the commencement of the agreement so concluded.

Article 5

1. Persons who are on board a vessel covered by subparagraph (k) of Article 1 of this Agreement or who are permanently resident in the territory of one

of the Contracting Parties and to whom the provisions of this Agreement apply shall have the same rights and obligations under the social security legislation of every other Contracting Party as the nationals of such other Party.

2. The provisions of this Agreement shall be without prejudice to the provisions of the legislation of each Contracting Party relating to participation in the administration of social security by insured persons or other groups of persons concerned, or the procedure of affiliation with the appropriate institution.

Article 6

1. No Rhine boatman shall be subject, for the purposes of all the branches of social security and social security schemes mentioned in Article 3 of this Agreement, to the legislation of more than one Contracting Party.

2. The national legislation applicable under the preceding paragraph shall be that of the Contracting Party in whose territory the undertaking employing the Rhine boatman has its principal place of business. Where the undertaking has a branch or permanent agency in the territory of one or more of the Contracting Parties other than that in which its principal place of business is established, such branch or permanent agency may be regarded, by agreement between the appropriate authorities of the Contracting Parties concerned, as an independent undertaking for the purposes of determining the national legislation that is applicable.

3. If the owner operates his vessel himself and if his undertaking does not have its principal place of business in the territory of one of the Contracting Parties, the legislation applicable shall be that of the Contracting Party in whose territory such owner has his legal domicile. Where the owner does not have his legal domicile in the territory of one of the Contracting Parties, the legislation applicable shall be that of the Contracting Party of which he is a national.

4. In relation to auxiliary workers, the provisions of the legislation of the Contracting Party in whose territory such workers are permanently resident may be regarded, notwithstanding the provisions of paragraphs (2) and (3) of this Article and subject to rules to be laid down by arrangement between the Contracting Parties concerned, as the applicable provisions of national legislation. Until such arrangements enter into force, auxiliary workers who are permanently resident in the territory of the Federal Republic of Germany shall be subject to German legislation.

5. The appropriate authorities of two or more Contracting Parties may by agreement vary the provisions of paragraphs (2) and (3) of this Article for

determining which legislation is applicable in the case of certain Rhine boatmen or groups of Rhine boatmen, if it is in the interests of such boatmen to do so.

Article 7

Rhine boatmen who cease to be liable to compulsory insurance may, where appropriate, request to be covered by optional or voluntary insurance in their country of permanent residence, subject to the same conditions and time limits as insured persons who have ceased to belong to the compulsory insurance scheme in force in that country. For this purpose periods of insurance and equivalent periods completed under the legislation of other Contracting Parties shall be taken into account, in so far as is necessary, as periods of insurance completed under the legislation of the country of permanent residence.

TITLE II

SPECIAL PROVISIONS

Chapter 1

SICKNESS, MATERNITY

Article 8

For the acquisition, maintenance or recovery of the right of benefit, where a Rhine boatman has been successively or alternately subject to the legislation of two or more Contracting Parties, the periods of insurance and equivalent periods completed under the legislation of each of the Contracting Parties shall be added together, in so far as they do not overlap, including any periods completed in an occupation other than that of Rhine boatman.

Article 9

1. A Rhine boatman who has completed periods of insurance or equivalent periods under the legislation of one or more Contracting Parties and who is liable to compulsory insurance under the legislation of another Contracting Party shall be entitled to the benefits prescribed in this latter legislation, for himself and for the members of his family who are eligible to receive benefits in virtue of his employment and who are on board a vessel covered by subparagraph (*k*) of Article 1 of this Agreement or in the territory of the Contracting Party under whose legislation the Rhine boatman is so liable, subject to the following conditions :

- (i) that he was fit for work when he last became affiliated to the appropriate institution of the said Contracting Party;
- (ii) that he satisfies the conditions prescribed by the legislation of the said Contracting Party, with due regard to the provision in the preceding Article for the adding together of periods :

Provided that such adding together shall not take place where a period of more than one month has elapsed between the end of the period of insurance or equivalent period completed under the legislation of the Contracting Party to which the Rhine boatman was last subject and the beginning of the period of insurance under the legislation of the Contracting Party under which he is liable in virtue of his new employment.

2. Provisions in the legislation of a Contracting Party whereby the grant of benefits is made subject to any condition regarding the origin of the illness shall not be applied either to a Rhine boatman or to the members of his family covered by the preceding paragraph, irrespective of the Contracting Party in whose territory they are permanently resident, if the conditions prescribed in that paragraph are satisfied.

3. If, in a case covered by paragraph (1) of this Article, the Rhine boatman does not satisfy the conditions prescribed in that paragraph but is still entitled to benefits under the legislation of the Contracting Party to which he was last subject before becoming liable under the legislation of his new country of employment, the institution of that Party shall be deemed to be the appropriate institution for the purposes of Article 10 of this Agreement.

4. If the application of this Article would entitle a Rhine boatman or a member of his family to maternity benefits under the legislation of two Contracting Parties, there shall be applied to the person concerned the legislation in force in the territory of the Contracting Party in which the confinement took place, with due regard to the provision in the preceding Article for the adding together of periods.

5. Paragraphs (1) to (4) of this Article shall apply, *mutatis mutandis*, to the members of the family of a Rhine boatman who is subject to the legislation of a Contracting Party that does not provide for the grant of benefits to the members of his family in virtue of his employment as a Rhine boatman, on condition that such members of his family are personally affiliated either to the same sickness insurance institution of the said Contracting Party as the Rhine boatman or to some other sickness insurance institution of the said Contracting Party that provides corresponding benefits.

6. The provisions of this Article shall be without prejudice to the provisions of the legislation of a Contracting Party that are more favourable to the Rhine boatman.

Article 10

1. A Rhine boatman or a member of his family living with him on board a vessel covered by subparagraph (*k*) of Article 1 of this Agreement shall, if he is in the territory of a Contracting Party other than that whose legislation is applicable to him and if his state of health necessitates the provisions of sickness or maternity benefits, be entitled to such benefits as if he were in the territory of the Contracting Party whose legislation is applicable to him.

2. A Rhine boatman or a member of his family who has become entitled to benefits payable by an institution of one of the Contracting Parties, and is permanently resident in the territory of that Contracting Party, shall retain his right to such benefits when he transfers his permanent residence to the territory of another Contracting Party : Provided that the person concerned shall, prior to the transfer, obtain the authorisation of the appropriate institution, which shall take due account of the reasons for the transfer.

3. In cases covered by the preceding paragraphs benefits in kind shall be provided by the institution of the place of temporary residence or of the new place of permanent residence in accordance with the provisions of the legislation applied by the said institution, notably as regards the extent of, and the manner of providing, such benefits : Provided that the period for which such benefits shall continue shall be that prescribed by the legislation of the appropriate Contracting Party. The provision of prosthetics, of major appliances and other extensive benefits in kind shall, except in cases where postponement would seriously endanger the life or health of the person concerned, be conditional on authorisation being given by the appropriate institution.

4. Cash benefits shall be paid in accordance with the provisions of the legislation applied by the appropriate institution. If such institution so requests, cash benefits may be paid on its behalf by the institution of the place of temporary residence or of the new place of permanent residence.

5. The provisions of paragraph (5) of Article 9 of this Agreement shall apply, *mutatis mutandis*.

Article 11

1. The members of the family of a Rhine boatman who belongs to the appropriate institution of one of the Contracting Parties shall receive benefits in kind if they are permanently resident in the territory of another Contracting Party,

as though the Rhine boatman belonged to the institution of their place of permanent residence or as though he were entitled to receive benefit from that institution. The extent and duration of the said benefits and the manner of providing them shall be governed by the provisions of the legislation applied by the said institution.

2. Where the members of the family transfer their permanent residence to the territory of the appropriate Contracting Party, they shall be entitled to receive benefits in kind in accordance with the legislation of the said Party. This rule shall also apply where the members of the family have already received in respect of the same illness or maternity case benefits provided by the institutions of the Contracting Party in whose territory they were permanently resident before the transfer; if the legislation applicable by the appropriate institution prescribes a maximum duration of benefit, the period during which benefit was provided immediately prior to the transfer of permanent residence shall be taken into account.

3. Where members of the family covered by paragraph (1) of this Article are carrying on a gainful occupation in their country of permanent residence which entitles them to benefits in kind, or where such entitlement derives from their liability to compulsory insurance at their place of permanent residence, the provisions of the preceding paragraphs of this Article shall not apply in their case.

4. Where a Rhine boatman is subject to the legislation of a Contracting Party that does not provide for the grant of benefits to the members of his family in virtue of his employment as a Rhine boatman, the provisions of this Article shall apply only to the members of his family who are personally affiliated either to the same sickness insurance institution of the said Contracting Party as the Rhine boatman or to some other sickness insurance institution of the said Contracting Party that provides corresponding benefits.

Article 12

1. Where, under the legislation of one of the Contracting Parties, cash benefits are related to the average remuneration over a given period, the average remuneration to be taken for the calculation of such benefits shall be based on the remuneration obtained during the period completed under the legislation of such Contracting Party.

2. Where, under the legislation of one of the Contracting Parties, the amount of cash benefit varies with the number of members of the family, the appropriate institution shall for the calculation of such benefit also take into account the number of members of the family permanently resident in the territory of a Contracting Party other than that in which the said institution is situated.

Article 13

1. If a recipient of pensions payable under the legislation of two or more Contracting Parties is permanently resident in the territory of a Contracting Party in which one of the institutions liable for the payment of his pensions is situated and he is entitled to benefits in kind under the legislation of that Party, the benefits in kind shall be provided for him and the members of his family by the institution of his place of permanent residence, as though he were in receipt of a pension payable under the legislation of his country of permanent residence only. The cost of the said benefits shall be borne by the institution of the country of permanent residence.

2. If the recipient of a pension payable under the legislation of one or more of the Contracting Parties is permanently resident in the territory of a Contracting Party in which none of the institutions liable for the payment of his pension is situated, the benefits in kind shall be provided for him and the members of his family by the institution of his place of permanent residence, as though he were in receipt of a pension payable under the legislation of his country of permanent residence, on condition that he is entitled to such benefits under the said legislation and under at least one of the legislations under which the pension is payable.

3. If, in a case covered by the preceding paragraph, the recipient is entitled to a pension from one Contracting Party only, the cost of the benefits in kind shall be borne by the appropriate institution of that Party. If, on the other hand, the recipient is entitled to pensions under the legislation of two or more of the Contracting Parties, the cost of the benefits in kind shall be borne by the appropriate institution of the Contracting Party under whose legislation he has completed the longest period of insurance; if in virtue of this rule two or more institutions would be liable for the cost of the benefits, the institution to which the person last belonged shall be liable therefor.

4. For the application of paragraph (2) of this Article, the provisions of the second sentence of paragraph (3) of Article 10 of this Agreement shall apply, *mutatis mutandis*.

5. Where the members of the family of the recipient of a pension payable under the legislation of one or more of the Contracting Parties are permanently resident in the territory of a Contracting Party other than that where the recipient himself is permanently resident, they shall receive benefits in kind as though the recipient were permanently resident in the same country. The provisions of Article 11 of this Agreement shall apply to them, *mutatis mutandis*.

6. A recipient of a pension payable under the legislation of one or more of the Contracting Parties, or a member of his family, shall be entitled to benefits

in kind during temporary residence in the territory of a Contracting Party other than his country of permanent residence. The said benefits shall be provided by the institution of the place of temporary residence in accordance with the legislation applied by that institution. The cost of the benefits shall be borne by the said institution if one of the institutions liable for the payment of the pension is situated in the territory of the country in which the recipient or the member of his family receives benefits in kind. If not, the cost shall be borne by the institution specified in the final sentence of paragraph (1) or in paragraph (3) of this Article; in such event the provisions of the second sentence of paragraph (3) of Article 10 of this Agreement shall apply, *mutatis mutandis*.

7. If the legislation of a Contracting Party provides that contributions shall be deducted from the recipient's pension for the purpose of covering the cost of the benefits in kind, the institution liable for the payment of the pension and for bearing the cost of the benefits in kind shall be authorised to make such deductions in the cases covered by this Article.

Article 14

1. The appropriate institution shall be required to refund to the institution of the place of temporary or permanent residence the actual amount of the benefits in kind provided under Articles 10 and 11 and paragraphs (2), (5) and (6) of Article 13 of this Agreement. No account shall be taken, for the purposes of refunds, of any tariffs, higher than those applicable to benefits in kind provided for employed persons who are subject to the legislation applied by the institution providing the benefits.

2. The competent authorities of two or more Contracting Parties may agree, where appropriate at the request of the institutions in cases where such a request is necessary under the legislation of the Contracting Party concerned, to make other arrangements for refunds, such as the payment of lump sums, or to waive all reimbursements on either side, particularly in the interests of simplicity.

3. Each Contracting Party shall give notice within three months to the Administrative Centre mentioned in Article 39 of this Agreement of any agreement which it concludes with another Contracting Party in virtue of the preceding paragraph.

Chapter 2

INVALIDITY, OLD AGE AND DEATH (PENSIONS)

Article 15

1. Where a Rhine boatman has been successively or alternately subject to the legislation of two or more Contracting Parties that are member States of the European Economic Community, the benefits which the boatman or his survivors can claim under such legislation shall be determined in accordance with the provisions governing such benefits in Regulations Nos. 3 and 4 of the Council of the said Community. The said Regulations shall apply, *mutatis mutandis*, in the case of nationals of a Contracting Party that is not a Member of the said Community.

2. Where a Rhine boatman has been successively or alternately subject to Swiss legislation and the legislation of one or more of the Contracting Parties other than Switzerland, the benefits which the boatman or his survivors can claim under such legislation shall be determined in accordance with the relevant provisions of any applicable bilateral social security Convention or Conventions concluded between Switzerland and one or more of the other Contracting Parties, without prejudice to the provisions of the preceding paragraph of this Article.

3. For the purposes of the preceding paragraphs of this Article periods of insurance and equivalent periods completed under Swiss legislation shall be taken into account by the appropriate institutions of Contracting Parties other than Switzerland when adding together periods of insurance and equivalent periods in connection with the acquisition, maintenance or recovery of the right to benefit and in connection with the determination of the theoretical amount of benefit, in so far as such periods do not overlap with periods completed under the legislation of one of the said Contracting Parties; such periods shall also be taken into account for the determination of the amount payable proportionately to the relation between the duration of the periods completed under the legislation of one such Party and the total duration of the periods completed under the legislation of all the Contracting Parties.

4. If an employed person or person treated as such has not, as a Rhine boatman, in cases covered by the preceding paragraph, completed periods of insurance or equivalent periods whose total duration is at least equal to 15 years, the provisions of paragraphs (1) and (3) of this Article shall be replaced either by those of the Regulations referred to in paragraph (1) of this Article or by those of the bilateral social security Conventions already concluded or to be concluded between Switzerland, on the one hand, and the other Contracting Parties, on the

other : Provided that the period of 15 years shall not be required for the grant of benefits in the event of invalidity that prevents the person concerned from engaging in gainful activity or for the grant of benefits in the event of death.

5. Every Contracting Party shall give notice, in accordance with Article 48 of this Agreement, of any amendments made to the instruments mentioned in paragraphs (1) and (2) of this Article. Such notice shall be given within three months after the date of commencement of such amendments.

6. The provisions of the preceding paragraphs of this Article shall be replaced by those of any multilateral social security Convention that is binding on all the Contracting Parties and that co-ordinates their schemes for the provision of benefit in the event of invalidity, old age and death (pensions), as from the date of commencement of such Convention.

Chapter 3

INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

Article 16

1. A Rhine boatman who sustains an industrial accident or contracts an occupational disease—

(a) in the territory of a Contracting Party other than that of the appropriate Contracting Party; or

(b) in the territory of the appropriate Contracting Party and—

(i) who transfers his permanent residence to the territory of another Contracting Party, or

(ii) whose condition, in the case of temporary residence in such territory, necessitates immediate medical care,

shall be entitled to receive at the expense of the appropriate institution the benefits in kind provided by the institution of the place of temporary or permanent residence. If the Rhine boatman transfers his permanent residence, he shall, before doing so, obtain the authorisation of the appropriate institution, which shall have due regard to the reasons for the transfer.

2. The provisions of paragraphs (3) and (4) of Article 10 of this Agreement shall apply, *mutatis mutandis*, in cases covered by the preceding paragraph.

3. If no industrial accident or occupational disease insurance scheme exists in the territory of the Contracting Party where the Rhine boatman is, or if, such insurance scheme exists but does not specify any institution for the provision of benefits in kind, such benefits shall be provided by the institution of the place of

temporary or permanent residence responsible for providing benefits in kind in the event of illness.

4. Where a legislation provides that benefits in kind shall not be completely free of charge unless the beneficiary uses the medical service organised by his employer, the benefits in kind granted under the foregoing paragraphs of this Article shall be deemed to have been provided by such medical service.

5. Where the industrial accident compensation scheme of the appropriate country is not in the form of compulsory insurance, the provision of benefits in kind under the foregoing paragraphs of this Article shall be deemed to be effected at the request of the appropriate institution.

6. The provisions of the preceding paragraphs of this Article shall be without prejudice to the provisions of the legislation of a Contracting Party that are more favourable to the Rhine boatman.

7. The institutions providing benefits in kind in cases covered by paragraph (1) of this Article shall be entitled to a refund of their expenses in accordance with Article 14 of this Agreement.

Article 17

1. Where the legislation of one of the Contracting Parties expressly or implicitly provides that previous industrial accidents or occupational diseases shall be taken into consideration in the assessment for the purposes of such legislation of the degree of incapacity resulting from an industrial accident or an occupational disease, industrial accidents and occupational diseases previously sustained or contracted under the legislation of another Contracting Party shall also be taken into consideration, as though they had been sustained or contracted under the legislation of the first Contracting Party.

2. The provisions of Article 12 of this Agreement shall apply, *mutatis mutandis*, as regards cash benefits.

Article 18

Benefits in the event of an occupational disease in respect of which compensation is payable under the legislation of two or more contracting Parties shall be granted only under the legislation of the Contracting Party in whose territory the person concerned was last engaged in the occupation liable to give rise to an occupational disease of this nature and subject to the condition that the said person satisfies the conditions prescribed by such legislation.

Article 19

1. Where, in the event of an aggravation of an occupational disease, a Rhine boatman who has received or is receiving compensation in respect of an occupational disease under the legislation of a Contracting Party justifies a claim to benefit under the legislation of another Contracting Party in respect of an occupational disease of the same nature, the following rules shall apply :

- (a) If the Rhine boatman has not been engaged in the territory of the latter Contracting Party in an occupation that is liable to give rise to, or to aggravate, the occupational disease, the appropriate institution of the first Contracting Party shall continue to be liable for the cost of benefits under its own legislation, due account being taken of the aggravation.
- (b) If the Rhine boatman has been engaged in such an occupation in the territory of the latter Contracting Party, the appropriate institution of the first Contracting Party shall continue to be liable for the provision of benefit under its own legislation, no account being taken of the aggravation; the appropriate institution of the other Contracting Party shall grant the Rhine boatman a supplement to an amount to be determined in accordance with the legislation of the second Contracting Party and equal to the difference between the amount of the benefit due after the aggravation and the amount that would have been due if the disease, before such aggravation, had been contracted in its territory.

2. In cases covered by the preceding paragraph of this Article, the Rhine boatman shall furnish the appropriate institution of the Contracting Party under whose legislation he justifies a claim to benefit with the necessary information on the benefits previously awarded as compensation for the occupational disease in question. If the said institution deems it necessary, it may obtain information on such benefits from the institution which provided them.

Chapter 4

DEATH GRANTS

Article 20

1. For the acquisition, maintenance or recovery of the right to death grants under legislation other than legislation concerning industrial accidents or occupational diseases, where a Rhine boatman has been successively or alternately subject to the legislation of two or more Contracting Parties, the periods of

insurance and equivalent periods completed under the legislation of each of the Contracting Parties shall be added together in so far as they do not overlap, including any periods completed in an occupation other than that of Rhine boatman.

2. Where a Rhine boatman who is subject to the legislation of one Contracting Party or is in receipt of a pension, or a member of such boatman's family, dies in the territory of a Contracting Party other than the appropriate Contracting Party, the death shall be treated as having occurred in the territory of this latter Party.

3. The appropriate institution shall bear the cost of the death grant, even if the beneficiary is in the territory of a Contracting Party other than the appropriate Contracting Party.

4. The provisions of paragraphs (2) and (3) of this Article shall also apply in cases where death results from an industrial accident or an occupational disease.

Chapter 5

UNEMPLOYMENT

Article 21

1. For the acquisition, maintenance or recovery of the right to benefit, where a Rhine boatman has been successively or alternately subject to the legislation of two or more Contracting Parties, the periods of insurance and equivalent periods completed under the legislation of each of the Contracting Parties shall be added together in so far as they do not overlap, including any periods completed in an occupation other than that of Rhine boatman.

2. Where the legislation of one of the Contracting Parties respecting a contributory scheme makes the grant of benefit conditional upon the completion of periods of insurance or equivalent periods, the appropriate institution shall take into consideration, in so far as is necessary, any periods of employment and equivalent periods completed under the legislation of other Contracting Parties not having a contributory scheme, on condition that such periods of employment and equivalent periods would have been regarded as periods of insurance or equivalent periods if the Rhine boatman had completed them in the territory of the first Contracting Party.

3. Where the legislation of one of the Contracting Parties respecting a non-contributory scheme makes the grant of benefit conditional upon the completion

of periods of employment or equivalent periods or periods of permanent residence, the appropriate institution shall take into consideration, in so far as is necessary, periods of employment and equivalent periods completed under the legislation of other Contracting Parties as though they were periods of employment or equivalent periods or periods of permanent residence completed in the territory of the first Contracting Party.

4. Where a Rhine boatman transfers his permanent residence from the territory of one Contracting Party to that of another Contracting Party which has a non-contributory scheme, he shall not be required, in order to qualify for any given benefits, to complete a period of permanent residence longer than that which must be completed by nationals of the second Contracting Party who transfer their permanent residence within the country in question.

Article 22

1. Where under the legislation of a Contracting Party the amount of benefit varies with the previous remuneration, the appropriate institution of the said Contracting Party shall for the calculation of the benefit take into account, in so far as is necessary, the remuneration normally paid at the unemployed person's place of permanent residence in respect of the same or equivalent employment, instead of the remuneration actually earned by the claimant from his employment under the legislation of another Contracting Party.

2. Where under the legislation of a Contracting Party the amount of benefit varies with the number of members of the family, even when these are not living in the beneficiary's household, the appropriate institution shall for the calculation of the benefit also take into account the number of members of the family permanently resident in the territory of a Contracting Party other than that in which the said institution is situated.

Article 23

A Rhine boatman who has become unemployed in the territory of a Contracting Party other than the appropriate Contracting Party and who returns to the territory of this latter Party shall be entitled to benefit in accordance with the legislation of that Party, due account being taken of the provisions of Article 21 of this Agreement.

Chapter 6

FAMILY ALLOWANCES

Article 24

Where the legislation of one of the Contracting Parties makes entitlement to family allowances conditional upon the completion of periods of employment, periods of gainful occupation or equivalent periods, the appropriate institution of that Contracting Party shall take into consideration, in so far as is necessary, all periods completed under the legislation of each of the Contracting Parties.

Article 25

1. A Rhine boatman who is subject to the legislation of one Contracting Party and has children who are with him on board a vessel covered by subparagraph (*k*) of Article 1 of this Agreement or who are permanently resident or are being brought up in the territory of another Contracting Party shall be entitled in respect of such children to family allowances in accordance with the legislation of the first Party, even if the boatman has his domicile in the territory of another Party.

2. Subject to the limits prescribed in the legislation that is applicable, the expression "children" means for the purposes of the preceding paragraph—

- (a) legitimate children, legitimated children, acknowledged natural children, adopted children and orphaned grandchildren of the Rhine boatman;
- (b) legitimate children, legitimated children, acknowledged natural children, adopted children and orphaned grandchildren of the Rhine boatman's spouse, on condition that they are living in the Rhine boatman's household in the country where the family is permanently resident.

3. The family allowances mentioned in paragraph (1) of this Article shall be paid in respect of periods of employment and equivalent periods.

4. The provisions of the preceding paragraphs shall not affect any provisions of the legislation of a Contracting Party that are more favourable to the Rhine boatman.

Article 26

1. Where the legislation of the appropriate Contracting Party provides for the payment of family allowances to the children in the event of the breadwinner's death, such allowances shall also be payable to children who are permanently resident or are being brought up in the territory of another Contracting Party.

2. Where the legislation of the appropriate Contracting Party provides for the payment of family allowances to recipients of a pension, such allowances shall also be payable to recipients of a pension who are permanently resident in the territory of another Contracting Party.

3. In cases covered by the foregoing paragraphs the provisions of paragraphs (2) and (4) of Article 25 of this Agreement shall apply, *mutatis mutandis*.

Chapter 7

MISCELLANEOUS PROVISIONS

Article 27

1. Cash benefits payable under the legislation of one or more of the Contracting Parties shall not be liable to reduction, modification, suspension, termination or confiscation by reason of the fact that the beneficiary is permanently resident in the territory of a Contracting Party other than that in which the institution liable for payment is situated.

2. The provisions of the preceding paragraph shall not apply to the following benefits, in so far as they are enumerated in Annex C to this Agreement :

- (a) special advantages under old-age insurance granted to employed persons who were too old at the date on which the relevant legislation came into force;
- (b) transitional benefits provided under a non-contributory scheme for persons who, by reason of their advanced age, are no longer able to qualify for the normal social security benefits;
- (c) special assistance benefits provided under a non-contributory scheme for certain categories of persons who, by reason of their state of health, are incapable of earning a livelihood;
- (d) the extraordinary benefits provided for in Swiss legislation.

3. Each Contracting Party shall consult the Administrative Centre mentioned in Article 39 of this Agreement in connection with any amendment that it wishes to make to Annex C. If it is impossible to reach unanimous agreement through such consultation, the Contracting Parties shall settle the matter by agreement between themselves. Notice of every amendment shall be given, in accordance with Article 48 of this Agreement, within three months from the date on which such agreement was reached.

Article 28

1. Except as regards invalidity, old-age and death (pension) insurance, in cases covered by paragraph (2) of Article 15 of this Agreement, the provisions of this Agreement shall not be deemed to confer or maintain any right to receive, under the legislation of the Contracting Parties, two or more benefits of the same kind or two or more benefits in respect of any one period of insurance or equivalent period.

2. Provisions in the legislation of one Contracting Party for the reduction or suspension of benefit where there is overlapping with other social insurance benefits or other income, or during a period of employment, shall also apply to a beneficiary as regards benefits acquired under a scheme of another Contracting Party or as regards income obtained or employment carried on in the territory of another Contracting Party: Provided that this rule shall not apply where benefits of the same kind are obtained in accordance with paragraph (2) of Article 15 of this Agreement.

3. In accordance with the principle contained in paragraph (2) of this Article, the following rules shall apply—

(a) Where a person who is entitled to receive benefit under the legislation of one Contracting Party is also entitled to receive benefit under the legislation of another Contracting Party and the application of paragraph (2) of this Article would entail a reduction or suspension of both benefits, neither shall be reduced or suspended beyond one-half of the amount in respect of which the reduction or suspension is to be effected in pursuance of the legislation under which benefit is due. Where a person is simultaneously entitled to receive three or more benefits and the application of the aforementioned provisions would entail a simultaneous reduction or suspension of such benefits, none shall be reduced or suspended beyond an amount obtained by dividing the amount in respect of which the reduction or suspension is to be effected in pursuance of the legislation under which benefit is due by the number of benefits that the person concerned is entitled to receive.

(b) The following rules shall apply to the award of death grants—

(i) Where death occurs in the territory of a Contracting Party, entitlement to a death grant acquired under the legislation of that Party shall be maintained, while entitlement acquired under the legislation of any other Contracting Party or Parties shall lapse.

- (ii) Where death occurs in the territory of a Contracting Party and entitlement to a death grant has been acquired under the legislation of two or more of the other Contracting Parties, or where death occurs outside the territory of the Contracting Parties and such entitlement has been acquired under the legislation of two or more Parties, such entitlement shall be maintained under the legislation of the Party in pursuance of which the deceased person completed his last period of insurance, while the entitlement acquired under the legislation of the other Party or Parties shall lapse.
 - (iii) If, on the date of his death, a Rhine boatman was compulsorily insured under the legislation of one Contracting Party and was voluntarily insured under the legislation of one or more of the other Contracting Parties, the entitlement acquired under the compulsory insurance and the voluntary or optional continued insurance shall be maintained.
- (c) The following rules shall apply to the award of family allowances—
- (i) If, within a given period, family allowances are payable to two persons in respect of the same child under the legislation of the appropriate Contracting Party and the legislation of the child's country of permanent residence, the provisions governing simultaneous entitlement to family allowances in the legislation of the child's country of permanent residence shall apply. For this purpose any entitlement to family allowances under the legislation of the appropriate Contracting Party shall be taken into account as if it were an entitlement acquired under the legislation of the child's country of permanent residence.
 - (ii) If a Rhine boatman who has received family allowances under the legislation of a Contracting Party during a calendar month is subject in the course of the same calendar month to the legislation of another Contracting Party, the family allowances claimable under the legislation of the latter Party shall be reduced by the amount of the allowances received in respect of the calendar month in question under the legislation of the first Party.
- (d) If the legislation of a Contracting Party provides for the suppression of social security benefit in the event of the simultaneous receipt of other social security benefits or other income or in the event of simultaneous employment or for the forfeiture of entitlement to social security benefit for such time as the person concerned is gainfully employed, such legislation shall also apply

where the person receives social security benefits or income or is gainfully employed in the territory of another Contracting Party.

- (e) Where a person in receipt of benefits has received assistance allowances or other benefits paid out of public funds from a Contracting Party during a period in respect of which he is entitled to cash benefits under this Agreement, the amounts payable in connection with the cash benefits shall be withheld in accordance with national practice by the paying authority, at the request and for the account of the institution concerned, up to an amount equal to the amount of the assistance allowances or benefits paid out of public funds. The same rule shall apply to any entitlement claimable by the beneficiary in respect of the members of his family, where the latter have received assistance allowances or benefits paid out of public funds.

Article 29

1. The following rules shall apply to the adding together of periods of insurance and equivalent periods under Article 8, paragraph (3), of Article 15 and Articles 20 and 21 of this Agreement :

- (a) Periods of insurance or equivalent periods completed under the legislation of one of the Contracting Parties shall be added together with periods of insurance or equivalent periods completed under the legislation of each of the other Contracting Parties, in so far as they need to be taken into account to supplement the periods of insurance or equivalent periods completed under the legislation of the first Party.
- (b) Where a period of insurance completed in virtue of compulsory insurance under the legislation of a Contracting Party coincides with a period of insurance completed in virtue of voluntary or optional continued insurance under the legislation of another Contracting Party, only the first shall be taken into account.
- (c) Where a period of insurance completed under the legislation of a Contracting Party coincides with an equivalent period under the legislation of another Contracting Party, only the first shall be taken into account.
- (d) Any equivalent period recognised under the legislation of two or more Contracting Parties shall be taken into account only by the appropriate institution of the Contracting Party to whose legislation the insured person was last compulsorily subject before such period; where the insured person was not compulsorily subject to the legislation of one of the Contracting Parties before such period, it shall be taken into account by the appropriate

institution of the Contracting Party to whose legislation he was first compulsorily subject after such period.

- (e) Where the time when certain periods were completed under the legislation of a Contracting Party cannot be precisely determined, it shall be presumed that such periods do not overlap with periods completed under the legislation of another Contracting Party, and for the purpose of adding the periods together they shall be taken into account to the extent that they are relevant.
- (f) If, under the legislation of a Contracting Party, certain periods of insurance or equivalent periods are only taken into account subject to the condition that they were completed within a given time, this condition shall also apply to any such periods completed under the legislation of another Contracting Party.

2. Where employed persons or persons treated as such have completed periods of insurance or equivalent periods under social security schemes of a Contracting Party that are not covered by this Agreement, whereas such periods are taken into account under a scheme which is covered by this Agreement, such periods shall be regarded as periods of insurance or equivalent periods to be taken into account for the purpose of adding them together.

3. Where periods of insurance or equivalent periods completed under the legislation of a Contracting Party are expressed in different units from those used in the legislation of another Contracting Party, the necessary conversion for the purpose of adding them together shall be effected in accordance with the following rules :

- (a) one day is equal to eight hours and vice versa ;
(b) six days are equal to one week and vice versa ;
(c) 26 days are equal to one month and vice versa ;
(d) three months or 13 weeks or 78 days are equal to a quarter and vice versa ;
(e) in converting weeks into months and vice versa, weeks and months shall be converted into days ;
(f) the application of the rules contained in subparagraphs (a), (b), (c), (d) and (e) above shall not result in a total of more than 312 days or 52 weeks or 12 months or four quarters being retained for all the periods completed in the course of a calendar year.

4. If in cases covered by paragraph (3) of Article 15 of this Agreement and in pursuance of subparagraph (b) of paragraph (1) of this Article no account is

taken of periods of insurance completed in virtue of voluntary or optional continued insurance under the invalidity, old-age or death (pension) insurance legislation of a Contracting Party, the contributions relating to such periods shall be deemed to have been intended to improve the benefits payable under the said legislation. If the legislation provides for additional insurance, such contributions shall be taken into account for the purpose of calculating the benefits payable in virtue of such insurance.

Article 30

If an applicant is permanently resident in the territory of a Contracting Party other than the appropriate Contracting Party, he may submit his claim to the institution of his place of permanent residence. This institution shall notify the relevant institution or institutions indicated in the claim.

Article 31

1. The institutions of a Contracting Party which are liable under this Agreement to pay cash benefits to beneficiaries who are in the territory of another Contracting Party may validly discharge their liability by making payment in the currency of the first Party; where they are liable to pay sums to institutions which are in the territory of another Contracting Party, they shall be required to make payment in the currency of this latter Party.

2. Money transfers required for the purposes of this Agreement shall be effected in accordance with the agreements in this behalf that are in force between two or more Contracting Parties at the date of the transfer; where no such agreements are in force between two Contracting Parties, the appropriate authorities of the said Parties or the authorities responsible for international payments shall prescribe by agreement the measures necessary for effecting such transfers.

Article 32

The recovery of contributions due to an institution of one Contracting Party may be effected in the territory of another Contracting Party in accordance with the administrative procedure and subject to the guarantees and preferential rights applicable to the recovery of contributions due to a corresponding institution of the latter Party. The application of the foregoing shall be the subject of bilateral agreements, which may also govern the judicial procedure for recovery.

Article 33

If a person who is in receipt of benefit under the legislation of one Contracting Party in respect of an injury sustained in the territory of another Party is entitled to claim compensation for that injury from a third party in the territory of the second Party, the following rules shall apply to any claims the institution liable for payment of benefit may have against such third party—

- (a) Where the said institution is, under the legislation applicable to it, substituted for the beneficiary in his claims against the third party, such substitution shall be recognised by each Contracting Party.
- (b) Where the said institution has a direct claim against the third party, such claim shall be recognised by each Contracting Party.

The application of these provisions may, if necessary, be the subject of bilateral agreements.

TITLE III

ADMINISTRATIVE PROVISIONS

Article 34

1. The appropriate authorities of the Contracting Parties shall—

- (a) communicate to each other information regarding measures taken by them for the application of this Agreement;
- (b) communicate to each other all information regarding changes made in their legislation which affect the application of this Agreement.

2. For the purposes of applying this Agreement the authorities and institutions of the Contracting Parties shall furnish assistance to one another and act as if the matter were one relating to the application of their own legislation. The administrative assistance furnished by the said authorities and institutions shall as a rule be free of charge: Provided that the appropriate authorities of the Contracting Parties may agree to reimbursement of certain expenses.

3. The institutions and authorities of each of the Contracting Parties may, for the purpose of applying this Agreement, communicate directly with one another and with the individuals concerned or their representatives.

4. The institutions and authorities of one Contracting Party shall not be entitled to reject claims or other documents submitted to them on the ground that they are written in an official language of another Contracting Party.

Article 35

1. Any exemption from, or reduction of, taxes, stamp duty, legal dues and registration fees provided for in the legislation of one Contracting Party in connection with certificates or documents required to be produced for the purposes of the legislation of that Party shall be extended to similar certificates and documents required to be produced for the purposes of the legislation of another Contracting Party or this Agreement.

2. All instruments, documents and certificates of any kind whatsoever that are required to be produced for the purposes of this Agreement shall be exempt from authentication by the diplomatic and consular authorities.

Article 36

1. Any claim, declaration or appeal that should have been submitted for the purposes of the legislation of one Contracting Party within a specified period to an authority, institution or other body of that Party shall be receivable if it is submitted within the same period to an authority, institution or other corresponding body of another Contracting Party. In such event the authority, institution or body receiving the claim, declaration or appeal shall forward it without delay to the appropriate authority, institution or body of the first Party, either directly or through the intermediary of the appropriate authorities of the Contracting Parties concerned.

2. The date on which a claim, declaration or appeal was submitted to an authority, institution or body of another Contracting Party shall be regarded as the date of its submission to the authority, institution or body competent to examine it.

Article 37

The Annexes mentioned in subparagraph (b) of Article 1, paragraph (3) of Article 3 and paragraph (2) of Article 27 of this Agreement, and the special procedure for the application of the legislation of certain Contracting Parties mentioned in Annex D, including any amendments or alterations of the said Annexes, shall constitute an integral part of this Agreement.

Article 38

The appropriate authorities of the Contracting Parties may make all administrative arrangements necessary for the application of this Agreement.

Article 39

1. The Administrative Centre for the Social Security of Rhine Boatmen shall be responsible for—

- (a) assisting the persons concerned in the application of this Agreement, and in particular any Rhine boatmen and members of their families who experience difficulties in benefiting under this Agreement;
- (b) taking action with the appropriate bodies for the practical settlement of individual cases.

2. (i) The Administrative Centre shall consist, for each of the Contracting Parties, of two representatives of the Government, one representative of the employers concerned and one representative of the Rhine boatmen. It shall draw up its own rules of procedure. The chairman of the Administrative Centre shall be a Government member.

(ii) The non-Government representatives shall be appointed by the governments in agreement with the most representative occupational organisations of the employers and workers covered by this Agreement.

3. The headquarters of the Administrative Centre shall be located at the headquarters of the Central Commission for Rhine Navigation.

4. The secretarial work of the Administrative Centre shall be performed by the general secretariat of the Central Commission for Rhine Navigation. The secretary responsible for the secretarial work of the Administrative Centre shall be appointed by agreement between the Administrative Centre and the Central Commission for Rhine Navigation.

TITLE IV

INTERPRETATION OF THE AGREEMENT

Article 40

1. Any dispute arising between two or more Contracting Parties in connection with the interpretation or application of this Agreement shall be submitted to a board consisting of one representative of each of the Contracting Parties, which shall communicate its recommendations to the Parties concerned.

2. If the Contracting Parties do not agree to follow the recommendation of the board referred to in the preceding paragraphs, the dispute shall be submitted to a permanent arbitral body; this arbitral body shall draw up its own rules of procedure.

3. The permanent arbitral body shall consist of a member appointed by each of the Contracting Parties. A substitute member shall be appointed by each of the Contracting Parties. The substitute member shall discharge the duties of the regular member if the latter is prevented from acting.

4. The decisions of the arbitral body shall be taken in accordance with the fundamental principles and the spirit of this Agreement. Such decisions shall be binding.

TITLE V

TRANSITIONAL AND CONCLUDING PROVISIONS

Article 41

1. Every period of insurance or equivalent period and, in appropriate cases, every period of employment or gainful occupation or equivalent period completed under the legislation of a Contracting Party before the date of commencement of this Agreement shall be taken into consideration for the purposes of determining entitlement to benefits under this Agreement.

2. Every benefit that has not been awarded or has been suspended prior to the date of commencement of this Agreement because of the nationality of the person concerned or by reason of his being permanently resident in the territory of a Contracting Party other than that in which the institution liable to pay the benefit is situated shall, on application by the said person, be awarded or resumed as from the date of commencement of this Agreement, unless the rights previously acknowledged have given rise to a lump-sum settlement.

3. The rights of persons who have been awarded a pension prior to the commencement of this Agreement may be reviewed at their request. The effect of the review shall be to grant the beneficiaries, as from the coming into operation of this Agreement, the rights that they would have been granted if the Agreement had been in operation at the date of award. Applications for review shall be submitted within two years, reckoned from the date on which this Agreement comes into operation.

4. As regards rights resulting from the application of paragraphs (2) and (3) of this Article, the provisions of the legislations of the Contracting Parties respecting the lapsing of rights and the limitation of time for claims shall not apply to the persons concerned if an application under paragraph (2) or (3) of this Article is submitted within two years reckoned from the date on which this Agreement comes into operation. If the application is submitted after the expiry of the said

period, a right to benefit that has not lapsed or is not barred by limitation shall exist as from the date on which the application was submitted, unless more favourable provisions of the legislation of a Contracting Party are applicable.

5. Rights to benefits awarded before the date of commencement of this Agreement and acquired in accordance with the provisions of paragraph (6) of Article 11 of the Agreement of 27 July 1950 concerning the Social Security of Rhine Boatmen shall continue unchanged, without any possibility of further option, after the said date, in virtue of the said provisions, unless the person concerned applies for a review under paragraphs (3) and (4) of this Article. As regards rights to benefits that have not yet been awarded on the date of commencement of this Agreement, the above-mentioned provisions of the Agreement of 27 July 1950 shall apply until the day preceding the date of commencement of this Agreement; from that date the benefit shall be recalculated, in appropriate cases, in accordance with Article 15 of this Agreement.

Article 42

1. In the event of the denunciation of this Agreement any right acquired under its provisions shall be maintained.

2. Rights in course of acquisition in respect of periods completed prior to the date on which the denunciation takes effect shall not lapse by reason of the denunciation; the manner of their maintenance thereafter shall be governed by a subsequent agreement or, in the absence of such agreement, by the legislation appropriate to the institution concerned.

Article 43

1. This Agreement shall be open for signature by the States represented on the Central Commission for Rhine Navigation and by Luxembourg.

2. This Agreement shall be subject to ratification. Every instrument of ratification shall be deposited with the Director-General of the International Labour Office.

Article 44

1. From the date of coming into operation of this Agreement, as defined in paragraph (1) of Article 45, any State other than the States mentioned in paragraph (1) of Article 43 may accede to the Agreement, subject to the unanimous consent of the Contracting Parties. Accession to the Agreement shall involve

the same rights and obligations as ratification. Any provisions necessary for the purpose shall be contained in a protocol of accession.

2. Every instrument of accession shall be deposited with the Director-General of the International Labour Office.

Article 45

1. This Agreement shall come into operation on the first day of the third month following that in which the last instrument of ratification is deposited by the States bordering on the Rhine and by Belgium.

2. In the case of any other signatory State that subsequently ratifies the Agreement or of any State acceding to it, the Agreement shall come into operation on the first day of the third month following that in which the instrument of ratification or accession is deposited.

Article 46

The provisions of the Agreement concerning the Social Security of Rhine Boatmen, signed at Paris on 27 July 1950, shall cease to have effect on the date on which this Agreement comes into operation.

Article 47

1. This Agreement is concluded for a period of one year. It shall be tacitly renewed from year to year thereafter, subject to the right of each Contracting Party to denounce it by notification addressed to the Director-General of the International Labour Office. Denunciation shall take effect one year after such notification is received.

2. If the denunciation is by one of the Contracting Parties that border on the Rhine or by Belgium, the Agreement shall cease to apply to all the other Parties on the date on which the denunciation takes effect.

Article 48

The notice to be given under subparagraph (b) of Article 1, paragraph (4) of Article 3, paragraph (2) of Article 4, paragraph (5) of Article 15, paragraph (3) of Article 27 and paragraph (1) of Article 47 of this Agreement shall be addressed to the Director-General of the International Labour Office.

Article 49

The Director-General of the International Labour Office shall notify the Contracting Parties and the Central Commission for Rhine Navigation of—

- (a) the deposit of every instrument of ratification or accession;
- (b) the date of coming into operation of this Agreement, as defined in Article 45;
- (c) every notice received under Article 48 of this Agreement.

Article 50

1. The Dutch, French and German texts of this Agreement shall be equally authentic. They shall bear the signatures of the Contracting Parties and shall be deposited in the archives of the International Labour Office.

2. As soon as this Agreement comes into operation, certified copies 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.

3. The Director-General of the International Labour Office shall also communicate certified copies to each of the States bordering on the Rhine, to Belgium, to the other States represented on the Central Commission for Rhine Navigation, to Luxembourg and to the said Commission.

4. An official English translation shall be prepared by the International Labour Office and communicated to the States concerned.

5. 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.

DONE at Geneva this thirteenth day of February 1961 in three original copies in German, French and Dutch.

IN WITNESS WHEREOF the undersigned, having deposited their respective credentials, have signed this Agreement.

For the Federal Republic of Germany :
HARDENBERG

For Belgium :
E. LOTZ

For France :
Alain BARJOT

For Luxembourg :
J. BESSLING

For the Netherlands :
Johan KAUFMANN

For Switzerland :
SAXER

ANNEX A

(Article 1 (b) of the Agreement)

TERRITORIES AND NATIONALS TO WHICH AND TO WHOM
THE AGREEMENT APPLIES

BELGIUM

Territory : The territory of Belgium.

Nationals : Persons possessing Belgian nationality.

FRANCE

Territory : The continental territory of France.

Nationals : Persons possessing French nationality in virtue of French legislation.

FEDERAL REPUBLIC OF GERMANY

Territory : The territory to which the Basic Law of the Federal Republic of Germany applies.

Nationals : Germans within the meaning of the Basic Law of the Federal Republic of Germany.

LUXEMBOURG

Territory : The territory of the Grand-Duchy of Luxembourg.

Nationals : Persons of Luxembourg nationality.

NETHERLANDS

Territory : The territory of the Kingdom in Europe.

Nationals : Persons of Netherlands nationality.

SWITZERLAND

Territory : The territory of the Swiss Confederation.

Nationals : Persons of Swiss nationality.

ANNEX B

(Article 3, Paragraph (3), of the Agreement)

LEGISLATION TO WHICH THE AGREEMENT APPLIES

BELGIUM

Legislation respecting—

- (a) sickness and invalidity insurance;
- (b) retirement and survivors' pensions for wage earners and salaried employees;
- (c) compensation for injuries resulting from industrial accidents and occupational diseases, including the provisions increasing compensation for industrial accidents and occupational diseases;
- (d) the organisation of relief for involuntarily unemployed persons;
- (e) family allowances for employed persons.

FRANCE

Legislation respecting—

- (a) the organisation of social security;
- (b) the general provisions governing the social insurance scheme applicable to insured persons in non-agricultural occupations;
- (c) family benefits (except the provisions respecting maternity allowances);
- (d) the prevention of, and payment of compensation for, industrial accidents and occupational diseases;
- (e) allowances for aged employed persons;
- (f) assistance for unemployed workers.

FEDERAL REPUBLIC OF GERMANY

Legislation respecting—

- (a) sickness insurance;
- (b) insurance against industrial accidents and occupational diseases;
- (c) pension insurance for wage earners and salaried employees;
- (d) unemployment insurance and unemployment assistance;
- (e) family allowances (children's allowances) for employed persons.

LUXEMBOURG

Legislation respecting—

- (a) sickness insurance for wage earners and salaried employees;
- (b) insurance against industrial accidents and occupational diseases;
- (c) unemployment benefit;
- (d) family allowances for employed persons;
- (e) pension insurance for wage earners and salaried employees in private employment.

NETHERLANDS

Legislation respecting—

- (a) sickness insurance (benefits in cash and in kind in the event of sickness and maternity);
- (b) invalidity insurance including pensions increases;
- (c) old-age insurance for employed persons;
- (d) general old-age insurance;
- (e) insurance against premature death for employed persons;
- (f) general widows' and orphans' insurance;
- (g) insurance against industrial accidents and occupational diseases, including pension increases;
- (h) unemployment insurance and social assistance for unemployed persons;
- (i) family allowances (employed persons, recipients of pensions).

SWITZERLAND

Federal legislation respecting—

- (a) sickness insurance;
- (b) insurance against industrial accidents and occupational diseases;
- (c) old-age and survivors' insurance;
- (d) invalidity insurance.

ANNEX C

(Article 27, Paragraph (2), of the Agreement)

BENEFITS NOT PAYABLE ABROAD

BELGIUM

The old-age pensions payable under the pension schemes for wage earners and salaried employees, as regards the part corresponding to years of employment during which the recipient is deemed, in the absence of a period of insurance, to have given evidence of the completion of a working life of 45 years (in the case of a man) or 40 years (in the case of a woman).

FRANCE

The allowance for aged employed persons.

LUXEMBOURG

The old-age, invalidity and survivors' pensions for salaried employees in private employment, as regards the part corresponding to periods of employment prior to the coming into operation of the pension insurance scheme for salaried employees in private employment.

NETHERLANDS

The pension referred to in section 46 of the Act of 31 May 1956 respecting a general old-age insurance scheme and the part of the pension mentioned in section 43 of the said Act.

SWITZERLAND

- (a) extraordinary old-age and survivors' insurance pensions;
- (b) extraordinary invalidity insurance pensions;
- (c) allowances for seriously handicapped persons.

ANNEX D

(Article 37 of the Agreement)

SPECIAL PROCEDURE FOR THE APPLICATION OF THE LEGISLATION
OF CERTAIN CONTRACTING PARTIESI. *Application of German Legislation*

A

1. The institutions of the Federal Republic of Germany shall grant industrial accident and occupational disease insurance benefits to persons covered by the Agreement who are permanently resident in the territory of another Contracting Party in cases which—

- (a) occurred before or have occurred after the setting up of the Federal Republic of Germany, in its territory or in sea-going vessels flying the German flag and having their home port in the said territory : Provided that the foregoing shall not apply to industrial accidents or occupational diseases occurring in the territory of the Federal Republic of Germany in connection with an employment which was or is being carried on outside that territory;
- (b) occurred outside the territory of the Federal Republic of Germany in connection with an employment which was or is being carried on in that territory;
- (c) occurred before 1 January 1919 in Alsace-Lorraine and for which responsibility is not assumed by the French institutions, in accordance with the decision adopted by the Council of the League of Nations on 21 June 1921¹ (*Reichsgesetzblatt*, p. 1289).

2. Article 27 of the Agreement shall be without prejudice to the provisions of German legislation relating to foreign pensions (*Fremdrenten*) and to the payment of benefit in the event of permanent residence outside the territory of the Federal Republic of Germany, in so far as no benefit is paid in accordance with the said provisions for periods completed outside the territory of the Federal Republic of Germany as long as the beneficiary is permanently resident outside the said territory.

B

1. The following provisions shall apply in determining whether a supplementary period (*Zurechnungszeit*) is to be taken into consideration under German legislation for the purposes of the pension insurance scheme for wage earners or the pension insurance scheme for salaried employees :

- (a) In order to establish whether, during the 60 calendar months preceding the occurrence of the contingency insured against, contributions have been paid in respect of at least 36 calendar months or to what extent the contributions have been paid in respect of the period between the date of entry into the German pension insurance scheme and the occurrence of the contingency insured against, all contribution periods completed under an invalidity, old-age and death (pension) insurance scheme of one or more of the other Contracting Parties, on condition that they were completed in employment or an occupation liable to compulsory insurance, shall be treated as contribution

¹ League of Nations, *Official Journal*, *Special Supplement No. 5*, July 1921, p. 29.

periods completed in employment or an occupation liable to compulsory insurance under German legislation.

- (b) The term "entry into insurance" means the date of first entry into the German pension insurance scheme or the date of first entry into an invalidity, old-age and death (pension) insurance scheme under the legislation of another Contracting Party, whichever date is the earlier.
- (c) The term "occurrence of the contingency insured against" means the occurrence of the contingency within the meaning of German legislation or the legislation of another Contracting Party respecting invalidity, old-age and death (pension) insurance; in every case the legislation applicable shall be that under which the contingency first occurred.

2. The provisions of paragraph 1 above shall apply, *mutatis mutandis*, in determining whether, in virtue of German legislation, a supplementary period (*Zurechnungszeit*) is to be taken into consideration for the purposes of the pension insurance scheme for miners. In addition, the taking into consideration of such period shall be subject to the condition that the last contribution was paid either to the pension insurance scheme for miners or to a corresponding insurance scheme of another Contracting Party or, failing that, another insurance scheme of such Party during employment in a mining establishment.

C

If, under the German legislation respecting pension insurance, the contributions paid under the compulsory insurance scheme during the first five calendar years are not taken into consideration in calculating the ratio between the gross remuneration of the insured person and the average gross remuneration of all insured persons, the years to be regarded as the first five calendar years shall be those completed after the first entry into the invalidity, old-age and death (pension) insurance scheme of a Contracting Party.

D

1. In determining the pensions referred to in the provisions in force up to 1 January 1957 the German pension insurance institutions shall proceed as follows :

- (a) In order to determine whether the right in course of acquisition is maintained or is deemed to be maintained, contribution periods completed under the legislation of one or more of the Contracting Parties shall be treated as contribution periods completed under German legislation and equivalent periods completed under the legislation of one or more of the Contracting Parties shall be treated as equivalent periods completed under German legislation.
- (b) In order to determine whether the condition as to a contribution frequency of at least 50 per cent. (*Halbdeckung*) is satisfied, the first entry into insurance under German legislation or the first entry into invalidity, old-age and death (pension) insurance under the legislation of another Contracting Party (whichever date is the earlier) shall be regarded as the date of first entry into insurance.

2. In order to determine whether a pension is to be granted under the provisions respecting the composition and calculation of the pension in force before 1 January 1957, contributions that have been or are paid after 31 December 1956 under the legislation of one or more of the Contracting Parties shall be treated as contributions that have been or are paid after the said date under German legislation.

3. In the cases mentioned in paragraphs 1 and 2 above the contribution periods and equivalent periods completed under the legislation of one or more of the Contracting Parties—

- (a) shall be taken into consideration for the purposes of the pension insurance scheme for miners if such periods were completed under a corresponding insurance scheme or, in the absence of such latter scheme, under any other insurance scheme in the course of employment in a mining undertaking;
- (b) shall be taken into consideration for the purposes of the pension insurance scheme for wage earners or the pension insurance scheme for salaried employees, whichever of the two schemes would have been applicable if the person concerned had last worked in the territory of the Federal Republic of Germany.

4. The following provisions shall apply in the cases mentioned in subparagraph (b) of paragraph 3 :

- (a) If, under German legislation, the post last held or occupation last carried on in the territory of another Contracting Party was not liable to compulsory insurance, the contribution periods and equivalent periods shall be taken into consideration for the purposes of the pension insurance scheme for salaried employees. If, under German legislation, the post last held or the occupation last carried on in the territory of another Contracting Party was not liable to compulsory insurance because it was of a temporary nature, the contribution periods and equivalent periods shall be taken into consideration for the purposes of the pension insurance scheme for wage earners if the said scheme would have been applicable to such a post or occupation had it not been of a temporary nature.
- (b) If it is no longer possible to determine the nature of the post last held or occupation last carried on in the territory of another Contracting Party, the contribution periods and equivalent periods shall be taken into consideration for the purposes of the pension insurance scheme for wage earners.

E

1. The consent of the Rhine boatmen concerned and their employers shall be required in cases where German legislation is involved in the application of the provisions of the second sentence of paragraph (2) of Article 6 of the Agreement.

2. The consent of the Rhine boatmen concerned and their employers shall be required in cases where German legislation is involved in the application of the provisions of paragraph (5) of Article 6 of the Agreement.

F

If certain sickness insurance institutions become liable for exceptional expenses as a result of the application of the Agreement, such expenses may be wholly or partly reimbursed. A decision on the compensation payable shall be taken, on application, by the sickness insurance liaison authority; before taking a decision, the said authority shall consult the other federations of sickness funds. The sums necessary for the application of the compensation scheme shall be made available by all the sickness insurance institutions in proportion to the average number of insured persons, including pensioners, during the previous year.

II. *Application of Luxembourg Legislation*

Notwithstanding paragraph (1) of Article 41 of the Agreement, periods of insurance or equivalent periods completed before 1 January 1946 under the Luxembourg legislation respecting invalidity, old-age and survivors' pension insurance shall be taken into consideration only in so far as the rights in course of acquisition have been maintained or recovered in accordance with that legislation, with the bilateral Conventions already in force or to be concluded or with Regulations Nos. 3 and 4 of the Council of the European Economic Community. Where two or more bilateral Conventions are applicable, the periods of insurance or equivalent periods shall be taken into consideration as from the earliest date.

III. *Application of Netherlands Legislation*

Where an employed person or person treated as such was liable before the age of 35 years to the invalidity, old-age and death (pension) insurance legislation of a Contracting Party other than the Netherlands and is employed in the Netherlands as an employed person or person treated as such—

- (a) he shall not be excluded from insurance in virtue of the provision in the Netherlands invalidity insurance legislation prescribing 35 years as the maximum age for entry into such insurance, on condition that he has not attained the age of 65 years, is not in receipt of remuneration entitling him to claim exemption from such insurance and is not excluded from such insurance in virtue of any other provision of Netherlands legislation;
- (b) he shall be deemed, for the purposes of determining the right to an invalidity pension in virtue of Netherlands legislation and of calculating such pension, to have entered the Netherlands invalidity insurance scheme at the age of 35 years or at the age at which he entered an invalidity insurance scheme under the legislation of another Contracting Party, whichever is more favourable in his case.

Section 372 of the Netherlands Invalidity Act shall not apply.