

► The ILO's work in the inland waterways sector

Compendium (1947-2022)

Sectoral Policies Department, 2022

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► Introductory Note

This document presents a compendium of the International Labour Organization (ILO)'s work in the inland waterways sector from 1949 to present. It includes sectoral instruments (one recommendation), conclusions and resolutions adopted by the Inland Transport Committee, outcomes of a global meeting and, Rhine specific meetings convened by the ILO.

Part 1 includes a sectoral recommendation that was adopted by International Labour Conference in 1920.

Part 2 includes general work of the ILO Inland Transport Committee (1945-1992) applicable to all inland transport sectors.

Part 3 includes specific inland waterways work of the ILO Inland Transport Committee, as the Committee had the inland waterways under its purview. During this period, it adopted nine resolutions and one set of conclusions pertaining to the inland waterways sector.

Part 4 includes the outcomes adopted by one meeting of experts for inland waterways convened outside the auspices of the Inland Transport Committee. This meeting was held in 1968.

Part 5 includes the outcomes of a number of regional Rhine specific meetings that were convened by the ILO from the 1950s to the 1970s (held in 1950-1954, 1961, and 1979). Thereafter, this work has been continued throughout the following decades by the Central Commission for the Navigation of the Rhine.

► PART 1. SECTORAL INSTRUMENTS

INTERNATIONAL LABOUR ORGANISATION

**International Labour Conference
Second Session**

Genoa
15 June 1920

Hours of Work (Inland Navigation) Recommendation, 1920 (No.8)

The General Conference of the International Labour Organisation,

Having been convened at Genoa by the Governing Body of the International Labour Office on the 15 June 1920,

Having decided upon the adoption of certain proposals with regard to the application to seamen of the Convention drafted at Washington, last November, limiting the hours of work in all industrial undertakings, including transport by sea and, under conditions to be determined, transport by inland waterways, to eight hours in the day and forty-eight in the week; consequential effects as regards manning and the regulations relating to accommodation and health on board ship, which is the first item in the agenda for the Genoa meeting of the Conference, and

Having determined that these proposals shall take the form of a Recommendation,

Adopts the following Recommendation, which may be cited as the Hours of Work (Inland Navigation) Recommendation, 1920, to be submitted to the Members of the International Labour Organisation for consideration with a view to effect being given to it by national legislation or otherwise, in accordance with the provisions of the Constitution of the International Labour Organisation:

In view of the declaration in the Constitution of the International Labour Organisation that all industrial communities should endeavour to adopt, so far as their special circumstances will permit, " an eight hours' day or a forty-eight hours' week as the standard to be aimed at where it has not already been attained ", the International Labour Conference recommends:

I.

That each Member of the International Labour Organisation should, if it has not already done so, enact legislation limiting in the direction of the above declaration in the Constitution of the International Labour Organisation the hours of work of workers employed in inland navigation, with such special provisions as may be necessary to meet the climatic and industrial conditions peculiar to inland navigation in each country, and after consultation with the organisations of employers and the organisations of workers concerned.

II.

That those Members of the International Labour Organisation whose territories are riparian to waterways which are used in common by their boats should enter into agreements for limiting in the direction of the aforesaid declaration, the hours of work of persons employed in inland navigation on such waterways, after consultation with the organisations of employers and the organisations of workers concerned.

III.

That such national legislation and such agreements between riparian countries should follow as far as possible the general lines of the Convention concerning hours of work adopted by the International Labour Conference at Washington, with such exceptions as may be necessary for meeting the climatic or other special conditions of the countries concerned.

IV.

That, in the application of this Recommendation, each Member of the International Labour Organisation should determine for itself, after consultation with the organisations of employers and the organisations of workers concerned what is inland

navigation as distinguished from maritime navigation, and should communicate its determination to the International Labour Office

V.

That each Member of the International Labour Organisation should report to the International Labour Office, within two years after the adjournment of the Genoa Conference, the progress which it has made in the direction of this Recommendation.

► PART 2. CROSS-SECTORAL: INLAND TRANSPORT COMMITTEE RESOLUTIONS AND CONCLUSIONS

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Second Session**

Geneva
7-16 May 1947

Resolution (No. 9) on industrial relations in inland transport

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office, and having met at Geneva for its second session from 7 to 16 May 1947, and

Having considered the problems of industrial relations in the various branches of the inland transport industry, and

Being convinced that the provision of efficient transport services and of satisfactory conditions of employment for transport workers necessitates the promotion of good relations between management and labour,

Adopts this sixteenth day of May 1947 the following resolution concerning the principles, methods and machinery by which the relations between management and labour in the inland transport industry should be conducted:

1. Freedom of Association

1. Employers and workers, whether in public or private inland transport undertakings, should be entitled to form, without previous authorisation and without restriction of occupation, sex, colour, race, creed or nationality, organisations of their own choosing.
2. Such organisations should be granted full autonomy in drawing up their constitution and administrative rules, in organising their administration and activity, and in framing their policies.
3. Where full and effective protection is not already afforded, appropriate legislation should be enacted to protect the individual worker—
 - a. from discriminatory or punitive measures directed against him at the time of engagement or during tenure of employment for the reason that he is a member, agent or official of a trade union;
 - b. against coercion with respect to his right to join a trade union.
4. Where full and effective protection is not already afforded, appropriate legislation should be enacted to prohibit on the part of the employer or of the employers' organisations or their agents, all acts designed to
 - a. promote the formation of trade unions controlled by the employer;
 - b. interfere in the formation or administration of a trade union, or support it by financial means or otherwise interfere in its control;
 - c. refuse to give practical effect to the principles of trade union recognition and collective bargaining.

2. Determination of conditions of employment

5. The negotiation of collective agreements should be developed both in private and publicly owned transport undertakings.
6. (1) The State should, through the appropriate agencies, make available to the parties facilities for the development of collective bargaining.

- (2) These agencies should be entrusted with the authority where necessary to determine the representative workers' organisations entitled to enter into collective agreements with employers or employers' organisations.
7. (1) Collective agreements freely entered into should be observed in good faith, and employers' and workers' organisations should do all in their power to ensure the observance by their members of the agreements to which they are parties.
- (2) All individual or collective disputes arising out of the interpretation or application of collective agreements should be referred for settlement to a procedure accepted by the parties. There should be effective and expeditious means for reaching a final determination of all such issues.
- (3) Employers, employers' organisations and trade unions which are parties to collective agreements should be entitled to institute legal proceedings to secure the observance of such agreements enforceable at law.
8. Immediate attention should be paid to the practice obtaining in certain countries whereby the provisions of collective agreements covering substantial proportions of employers and workers in a trade or industry are extended to include other such employers and workers who would not otherwise be covered by such agreements, in view of the fact that, in the conditions obtaining in the countries in question, arrangements of this nature have had the effect of strengthening the authority of the collective bargaining system.

Minimum working standards.

9. Governments should set up machinery whereby minimum wage rates, hours of work and other conditions of employment can be fixed in branches or sections of the inland transport services where there are no arrangements for the effective regulation of such matters by collective agreements or otherwise.
10. For this purpose account should be taken of the necessity of enabling the workers to maintain a suitable standard of living.
11. Whatever method is applied for fixing such minimum wages and conditions of employment, employers' and workers' organisations concerned should be directly associated in the framing of all necessary provisions.
12. An adequate system of inspection should be provided with power to make investigations with a view to ascertaining whether such wages and conditions of employment are in fact being applied and to take such steps as may be authorised to deal with infringements.

3. Adjustment of Labour Disputes

13. (1) A free society cannot coerce any section of its population into working under conditions which are not freely and generally acceptable.
- (2) Having regard to the vital position which transport occupies in the national economy, employers and workers, with due regard to their responsibility to society, should consider lockouts and strikes as an extreme and ultimate means of bringing pressure to bear upon one another. Consequently, they should undertake to utilise to the full extent all existing facilities for the expeditious and effective settlement of disputes before considering recourse to a lockout or a strike.

Voluntary Conciliation and Arbitration.

14. (1) The State should place at the disposal of the parties conciliation machinery with a view to helping them to adjust differences arising out of the negotiation and application of collective agreements.
- (2) Once a dispute has been submitted to a conciliation agency by consent of all the parties concerned, the parties should agree to refrain from strike or lockout while conciliation is in progress.
- (3) Agreements arrived at by the parties in the course of the proceedings as well as recommendations of the conciliation agencies that are accepted by the parties should have the same validity as normal collective agreements.

15. There should be instituted machinery for voluntary arbitration and, when a dispute has been submitted to arbitration by consent of the parties concerned this should imply acceptance of the award and the intention to abstain from strikes and lockouts while arbitration is in progress.
16. In the event of a serious labour dispute threatening to cause a stoppage of work in any essential transport service, and if there is no more effective and appropriate means of securing a settlement, the Government should be able to cause a public investigation to be made into the origin and terms of the controversy. The results of the investigation, together with the recommendations of the investigating agency as to the just solution of the dispute, should be made public without delay.

Right to Lockout and Strike.

17. While the right to lockout and strike applies in inland transport as in other industries, in the event of a dispute arising during the operation of temporary restrictions placed by legislation upon the normal exercise of the right to lockout or strike, effective guarantees should be provided for the maintenance of wages and conditions of employment while negotiations are in progress.

4. Labour-Management Co-operative Machinery

18. Suitable machinery should be established at all appropriate levels for promoting the application and observance of collective agreements in particular establishments and the prompt handling of grievances affecting individuals or small groups of workers.
19. Suitable machinery should be established at all appropriate levels for promoting joint consultation between accredited representatives of employers and workers on all matters in which they have a common interest, with a view to improving both the wellbeing of the workers and the prosperity of the industry. All necessary information should be placed at the disposal of joint committees established for the above purposes.
20. Committee members should be compensated at normal wage rates for loss of working time incurred in attending committee meetings and other necessary activities authorised by their committee. This compensation should be paid by the employer or by the trade unions as the case may be.
21. Employers' and workers' organisations should, so far as it is reasonable and practicable, having regard to national practice, be associated with the framing and application of any special official schemes, as for example training schemes, instituted for the benefit of the inland transport industry.
22. In the appointment of members of policy-making bodies of publicly owned inland transport undertakings regard should be paid to the opinion of the trade unions as to the need to include persons with knowledge and experience of trade union organisation and the needs and interests of the worker.

**Inland Transport Committee
Fourth Session**

Nervi, Genoa
4-15 December 1951

**Resolution (No. 37) concerning labour problems arising out of the
coordination of transport**

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office,

Having met at Nervi, Genoa, in its Fourth Session from 4 to 15 December 1951,

Having noted that governments, in an attempt to ensure the best use of national resources, are promoting policies designed to achieve an effective coordination of transport and to establish conditions in which the different branches of transport can contribute efficiently and economically to the needs of the community,

Having noted that the United Nations is considering, through its regional commissions, the measures needed to promote such coordination, including the question of whether undertakings engaging in international transport operations should be subject to a permit, licence or concession to operate,

Having noted that labour costs constitute an important element in the cost of transport,

Considering that competition between transport undertakings should not be permitted to seek to take advantage of a lowering of conditions of labour and thus undermine attempts to establish a fair basis for coordination of transport,

Considering that it is desirable to apply in the transport field the principle of equal pay for equal work;

Adopts this fifteenth day of December 1951 the following resolution:

Conditions of employment in relation to coordination of transport

1. The employers' and workers' organisations concerned and the governments - in so far as the latter determine, or influence the determination of, wages and other conditions of work and employment - should make every effort to promote a greater equivalence in the conditions of work and employment of workers engaged in the various branches of transport. This policy should aim at eliminating, or at least at mitigating progressively, the differences which exist or may exist between various branches of transport or between transport undertakings in respect of wages, social charges and the conditions of employment relating to work involving similar degrees of skill and responsibility. The best conditions of employment should be used as a guide, in so far as the particular circumstances in each country or in each branch of transport permit.
2. Regulations concerning the operation of transport undertakings in each country should ensure the observance of fair labour standards.
3. For this purpose steps should be taken to ensure to the workers engaged in transport for hire or reward, wages (including allowances), hours of work and other conditions of labour which are not less favourable than those established for work of the same character in the branch of transport concerned in the district where the work is carried on- (a) by collective agreement or other recognised machinery of negotiation between the most representative organisations of employers and workers in the branch of transport concerned; or (b) by arbitration award; or (c) by national laws or regulations.
4. Where the conditions of labour referred to in the preceding paragraph are not regulated in the manner referred to therein in the district where the work is carried on, steps should be taken to ensure to the workers concerned wages (including allowances), hours of work and other conditions of labour which are not less favourable than- (a) those established by collective agreements or other recognised machinery of negotiation, by arbitration, or by

5. national laws or regulations, for work of the same character in the branch of transport concerned in the nearest appropriate districts; or (b) the general level observed in the branch of transport concerned by employers whose general circumstances are similar.
6. In cases in which operators are subject to the grant of a permit, licence or concession to undertake the transport of passengers or of goods, the observance of the provisions relating to wages (including allowances), hours of work and other conditions of labour specified in paragraphs 3 and 4 above should be a condition of the grant or retention of the permit, licence or concession, where other regulations do not already exist for ensuring the observance of these standards. Transport on own account
7. The competent authority in each country, after consulting the employers' and workers' organisations concerned, should consider the possibility of applying the provisions of paragraphs 3, 4 and 5 above to those persons whose major occupation is in transport and who are employed by undertakings carrying out transport on own account, bearing in mind the special regulations or collective agreements applicable to the various Industries to which these workers may belong.

Social consequences of coordination

8. No measures for coordination should be adopted without taking into account their social consequences.
9. In cases in which measures aiming at the coordination of transport are liable adversely to affect the workers concerned, measures should be taken either by the competent authority, after consultation with the employers' and workers' organisations concerned, or by agreement between these organisations, regarding either-
 - a. transfer within the same occupation or, where necessary, to another occupation, in particular by assisting those workers who are obliged to change their occupation or place of work and by providing vocational training for workers compelled to change their occupation;
 - b. material and occupational assistance to workers whose discharge is unavoidable. During the negotiations which will lead to adoption of one of the measures referred to above, attention should be specially drawn to the advantage there would be in considering whether special measures concerning the maintenance of certain acquired rights could not be adopted.

Cooperation of employers' and workers' organisations concerned

10. The employers' and workers' organisations concerned should be closely associated on an equitable basis with the work of bodies dealing with the coordination of transport either through participation in them or by means of consultation.

Supervision

11. The appropriate authorities or the contracting parties should organise labour inspection in transport undertakings in an efficient manner with a view to ensuring observance of the legal or other regulations concerning conditions of work and the protection of transport workers.
12. For the purpose of ensuring proper control of the enforcement of fair labour standards, the appropriate authorities or the contracting parties should, whenever necessary, cause to be kept, preserved and placed at their disposal records concerning in particular wages, allowances, social charges, hours of work, weekly rest, rest on public holidays and overtime. These records should not, however, involve undue formalities or administrative costs.

Sanctions

13. Adequate sanctions should be applied for failure to observe the provisions relating to wages (including allowances), hours of work and other conditions of labour. Such sanctions should include, where appropriate, the cancellation of the permit, licence or concession.
14. The Governing Body of the International Labour Office is invited- (a) to authorise the Director-General to communicate to the United Nations the report of the Subcommittee on Labour Problems Arising Out of the Coordination of Transport and the conclusions of the Committee on the subject; and (b) to instruct the Director-General to continue to follow the discussions in the United Nations and in other international organisations relating to the coordination of transport with a view, whenever necessary, to bringing the social aspects of the question to the attention of those concerned.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Fourth Session**

Nervi, Genoa
4-15 December 1951

Resolution (No. 44) concerning the transport and handling of dangerous goods

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office,

Having met at Nervi, Genoa, in its Fourth Session from 4 to 15 December 1951,

Having noted with interest the information provided in the General Report on the transport and handling of dangerous goods in the various branches of the inland transport industry and the action taken in this field, both in Europe and in the wider international field,

Having noted with satisfaction the initiative taken on various occasions by the International Labour Office at meetings of various organs of the United Nations with a view to assuring more particularly the protection of workers against occupational accidents and illness resulting from the handling of dangerous goods;

Adopts this fourteenth day of December 1951 the following resolution:

The Governing Body of the International Labour Office is invited to ask the Office to continue to follow attentively the discussions in the various international bodies concerned with the transport of dangerous goods and to take whatever steps may be necessary to draw the attention of such bodies to the need for assuring protection for the workers engaged in such transport.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Seventh Session**

18 May 1961

Resolution (No. 75) concerning technical assistance in the field of inland transport

The Inland Transport Committee,

Having examined Chapter VI of the General Report submitted by the International Labour Office dealing with technical assistance in the field of inland transport,

Recalling its resolution No. 45 (1951) concerning technical assistance in inland transport, and while

Commending the work done and the results achieved by the International Labour Organisation in the field of vocational, supervisory or instructor training and in productivity projects,

Feels that in accordance with the aims and purposes of the International Labour Organisation as laid down in the Declaration of Philadelphia, more recognition should be given to the social aspects of technical assistance; and therefore:

Invites the Governing Body of the International Labour Office to request the Director-General, in developing the operational activities of the Organisation:

- (a) to take into account the need to assist developing countries in building up suitable machinery for promoting joint consultation between representatives of employers and workers with a view to improving the well-being of the workers, the prosperity of the industry and of the community in general;
- (b) to use the available means for the improvement of poor conditions of work which so often lead to industrial conflicts, thus hampering the harmonious development of the economy in general and of the transport industry in particular;
- (c) to invite governments, in appropriate cases, to consult the national organisations of employers and workers concerned when formulating requests for technical assistance;
- (d) to encourage requests for assistance from the International Labour Organisation in elaborating machinery for the proper settlement of industrial problems in essential transport industries.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Seventh Session**

18 May 1961

Resolution (No. 76) concerning coordination of transport

The Inland Transport Committee,

Having examined the chapter of the General Report submitted by the International Labour Office dealing with Transport Coordination and having compared the views expressed therein with those contained in the ILO Report on Labour Problems arising out of the Coordination of Transport submitted to the Fourth Session of the Inland Transport Committee and resolution No. 37 thereon;

Invites the Governing Body of the International Labour Office to instruct the Director-General to continue to follow developments in transport coordination as they arise in discussions by the competent agencies of the United Nations and other international organizations, with a view to influencing decisions to be taken in the spirit of the Declaration concerning the Aims and Purposes of the International Labour Organisation and of the principles contained in the resolution (No. 37) concerning the labour problems arising out of the coordination of transport.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Seventh Session**

18 May 1961

Resolution (No. 78) concerning freedom of association in essential transport services

The Inland Transport Committee,

Considering that trade union freedom and full bargaining rights are the prerequisites of good industrial relations in the transport industry,

Recalling the provisions of its resolution No. 9 on industrial relations in inland transport adopted at the Second Session in 1947, and

Recognising the paramount importance to transport workers of a full implementation of Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), and of the Right to Organise and Collective Bargaining Convention, 1949 (No. 98);

Invites the Governing Body of the International Labour Office to request the Director-General:

- (a) to intensify his efforts to increase the number of ratifications of Conventions Nos. 87 and 98;
- (b) to urge that the principles contained both in the above-mentioned Conventions and in the resolution on industrial relations in inland transport adopted by the Committee in 1947 are applied, without any discrimination in all countries to what are styled essential services in the transport industry.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Seventh Session**

18 May 1961

Resolution (No. 83) concerning vocational training in inland transport in developing countries

Inland Transport Committee,

Considering the important role which all forms of transport play in the economic development of young countries,

Considering the difficulties which the transport systems in various countries have encountered in the vocational training of supervisory and managerial personnel,

Considering the importance of the training of skilled staff for transport management;

Invites the Governing Body of the International Labour Office to request the Director-General to consider the possibility of establishing in developing countries training centres both for national instructors and trained staff for the operation of transport.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Ninth Session**

Geneva
24 April-3 May 1972

Resolution (No. 98) concerning the convening of regional meetings for inland transport

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office, and

Having met at Geneva in its Ninth Session from 24 April to 3 May 1972,

Considering that the subjects relating to inland transport include aspects of fundamental importance which call for the establishment or improvement of standards to protect labour in the field of conditions of work and of safety,

Taking into account the fact that both of these aspects should be accorded special attention in those countries that have not reached a full level of development, not only as regards social and economic possibilities but also in the fulfilment of technological requirements,

In virtue of the absolute necessity of considering at the regional level the problems to be dealt with in the transport industry, and in order to suit the proposed solutions more exactly to the real situation in each country, on the basis of all the information on technical questions, standards and practice in this matter,

Recalling the decision taken by the Governing Body at its 174th Session (March 1969) which provides that the industrial activities of the International Labour Organisation should be strengthened, that for this purpose all ILO activities for specific branches of economic activity should be integrated in a major "ILO Programme of Industrial Activities", and that, under this programme, provision should be made for holding, during each biennium, seven full meetings of the Industrial Committee type and a number of small meetings equal in cost to one full meeting;

Adopts this third day of May 1972 the following resolution:

The Governing Body of the International Labour Office is invited to arrange for the convening of regional meetings, such as those that have been held for the maritime sector, which, taking into account the special characteristics of inland transport in countries that have not reached full development, would deal with the application of the resolutions or recommendations adopted at this session.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Ninth Session**

Geneva
24 April-3 May 1972

Resolution (No. 102) concerning the improvement of the working environment and the protection of workers' health in the various sectors of transport

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office, and

Having met at Geneva in its Ninth Session from 24 April to 3 May 1972,

Considering that the International Labour Organisation should support, in the various nations of the world, programmes to bring about "adequate protection for the life and health of workers in all occupations" and "the provision of adequate nutrition, housing and facilities for recreation and culture",

Noting that, despite the existence of several international instruments dealing with the protection of the working environment, transport workers are often exposed to the harmful effects of various factors of pollution and to excessive strains, without effective protection and prevention,

Considering that in many countries the adverse conditions prevailing in the working environment are spreading to the places in which people live and enjoy their recreation and leisure, this being due to the absence of coherent town planning, and that a deterioration in the living environment is the result,

Considering that new techniques, the use of new methods of storage and new materials require a reassessment of standards relating to occupational health and safety;

Adopts this third day of May 1972 the following resolution:

The Governing Body of the International Labour Office is invited to:

1. address a pressing appeal to the governments of States Members of the International Labour Organisation to adopt and enforce, in cooperation with employers' and workers' organisations, measures concerning the health and safety of transport workers, in particular
 - a. the strengthening of labour inspection and provision for sanctions against those guilty of infringing regulations or of causing pollution;
 - b. town planning based on consideration of the over-all planning of the land area and of the environment;
 - c. provision for sanctions in the case of occupational accidents caused by inadequate working and safety conditions;
 - d. the reduction of permissible levels of exposure at work to harmful factors (harmful substances, noise, etc.) and the definition of these levels in effective consultation with employers' and workers' organisations;
2. instruct the Director-General to carry out thorough studies on the deterioration of the working environment and its relation to the increase in occupational diseases (including nervous diseases) and occupational accidents in the various sectors of transport;
3. taking into account these studies, include in the agenda of an early session of the International Labour Conference the question of occupational safety and the prevention of occupational accidents in the field of transport, with a view to the adoption of appropriate international instruments.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Tenth Session**

Geneva
15-24 January 1980

Resolution (No. 108) concerning working time in the transport industry

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Tenth Session, from 15 to 24 January 1980,

Concerned about the effects of new technologies being applied to transport systems throughout the world and their impact on employment and conditions of work;

Adopts this twenty-fourth day of January 1980 the following resolution:

The Inland Transport Committee requests the Governing Body of the International Labour Office, when considering the possibility of setting standards for improvements in the matter of working time, to take account of the transport industry.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Eleventh Session**

Geneva
23-31 January 1985

Resolution (No. 118) concerning the right of workers in transport undertakings to organise and bargain collectively

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Eleventh Session, from 23 to 31 January 1985,

Taking note of the fact that certain transport activities are considered to be essential services and that therefore the right to strike of the workers concerned is restricted;

Adopts this thirty-first day of January 1985 the following resolution:

The Inland Transport Committee requests the Governing Body of the International Labour Office to instruct the Director-General to arrange for a study about the laws, regulations and practices in this regard in the various countries in order to ascertain whether workers of transport undertakings enjoy the rights and guarantees which are essential for the normal exercise of freedom of association under Conventions Nos. 87, 98 and 151.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Eleventh Session**

Geneva
23-31 January 1985

Resolution (No. 124) concerning ILO technical cooperation in the field of passenger transport

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Eleventh session, from 23 to 31 January 1985,

Noting that in different countries passenger transport needs are not fully satisfied,

Noting that passenger transport enterprises providing services to the public give valuable support to the national economy;

Adopts this thirty-first day of January 1985 the following resolution:

The Inland Transport Committee invites the Governing Body of the International Labour Office to request the Director-General to assist the developing countries by the elaboration of a technical cooperation programme for such passenger transport services which should satisfy the needs of these countries

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Twelfth Session**Geneva
22-30 January 1992**Conclusions (No. 126) concerning the social and legal protection
(including repatriation) of inland transport workers engaged in
international transport during their temporary periods abroad**

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Twelfth Session, from 22 to 30 January 1992,

Having examined the report (Report II) prepared by the International Labour Office on The social and legal protection (including repatriation) of inland transport workers engaged in international transport during their temporary periods abroad;

Adopts this thirtieth day of January 1992 the following conclusions:

General considerations

1. The globalisation of markets, internationalisation of trade and opening of frontiers have led to the continuous growth of international inland transport and consequently to the increase in the number of workers engaged therein. Appropriate measures should be taken to provide inland transport workers with the protection adequate to the problems they may encounter during their temporary work abroad. Such measures should be provided for by legislation, collective agreements or by bilateral or multilateral agreements including treaties, as may be appropriate.
2. Inland transport workers abroad may face a number of problems relating to their legal and social protection. Some of these problems are common throughout the inland transport sector, others stem from specifics of each individual mode of transport. In the areas where workers face similar problems irrespective of the mode of transport, consideration should be given to measures that can be applied across the international inland transport sector. In addition, appropriate solutions should be sought to the specific problems of social and legal protection which workers of each mode of inland transport encounter abroad.
3. The social and legal protection of inland transport workers abroad may be the subject of regional and subregional agreements. Employers' and workers' organisations representing the inland transport sector in each country concerned should be consulted during the formulation of such agreements. The implementation of procedures and terms laid down should include tripartite consultations and take account of the conditions in each country.
4. Legal and social protection of inland transport workers abroad should be provided irrespective of the location of the undertaking employing them. Such protection may be afforded by different means such as legislation, collective agreements, bilateral or multilateral agreements including treaties, as appropriate, which should also be used as a means of defining responsibilities of employers and workers as regards the conditions under which such protection should be provided.

Conditions of employment

5. Conditions of employment of workers engaged in international inland transport, including their social and legal protection abroad, are those stipulated by legislation, bilateral and multilateral agreements including treaties and collective agreements of the countries where the undertakings employing them are registered. Agreed conditions of employment should remain in force and not be changed to the disadvantage of the worker during temporary stays abroad.
6. Where the employer terminates the contracts of employment with inland transport workers during their stay abroad, workers should be repatriated and provided an opportunity to defend themselves in accordance with

national practice. The time taken for dismissed workers to be returned to their countries should not be included in any time limit they may have to contest the termination of their contracts.

7. In the event of insolvency of their employer during their stay abroad, inland transport workers should be entitled to repatriation arranged by the employer. Governments should ensure that their consulates provide prompt assistance to workers affected by an employer's insolvency, including arrangements for repatriation. If the employer fails to make arrangements for repatriation because of financial problems related to insolvency, such repatriation should be arranged by the competent public authorities, at no cost to the worker.

Conditions of work

8. Working conditions of inland transport workers that are established by national laws, regulations and collective agreements vary considerably from one country to another. This may cause problems for workers during their work abroad since, when crossing borders, they may have to comply with different legal requirements, especially as regards driving periods, duty time and rest periods. In this respect, adequate information should be provided to the workers concerned and consideration should be given in this regard to the advisability of harmonisation of national standards through bilateral or multilateral, regional or subregional agreements. For safety and economic reasons, these agreements should cover not only employees of transport undertakings but also self-employed carriers. In view of the need for flexibility required by various types of transport activities, special attention should be paid to driving periods, duty time and minimum rest periods as well as to procedures for their enforcement.
9. Transport workers and self-employed carriers engaged in cabotage, in countries where this is allowed, should comply with the relevant national regulations concerning duty time and minimum rest periods of the country in which the cabotage is being performed.
10. Self-employed carriers should be considered as autonomous undertakings responsible for their own social and legal protection abroad. However, in cases of contracts between carriers working as subcontractors and main contractors, conditions under which international transport operations are to be carried out should be specified, including those related to social and legal protection of such carriers.
11. The potential hazards arising from the international inland transport of dangerous goods require that it should be performed in accordance with regional agreements and/or international regulations, in particular those laid down by the United Nations and its specialised agencies. Furthermore, measures should be taken to ensure that such standards cover not only the transport of dangerous goods but also their loading and unloading.
12. Employers should ensure that their workers engaged in the transport, loading and unloading of dangerous goods are properly trained, instructed and informed. Appropriate measures should be taken at the international level with a view to establishing an international training and certification system that could enable national authorities to make sure of the necessary level of competence of workers engaged in the transport of dangerous goods.
13. Employers engaged in international inland transport operations should guarantee their workers legal protection for problems in connection with their work abroad. The workers concerned should be provided with a copy of the legal insurance certificate which should be translated in the appropriate languages.
14. Before going abroad, inland transport workers should be provided sufficient written information and instructions by their employers to be able to comply with the relevant national legislation, bilateral and multilateral agreements, including treaties, and practices in the countries in which they have to carry out their transport operations. Workers should be given information concerning the contents of the load and schedule of delivery.
15. The competent national authorities should take account of the specific situation of inland transport workers when they are accused of infringing laws or regulations in connection with their work in a foreign country. Such workers should be given sufficient time to prepare their defence in cases where they are subject to prosecution. They should also be provided with qualified interpreters and legal representation before and during formal proceedings.
16. In countries where the alleged offence does not normally entail a custodial sentence, the inability of an inland transport worker to produce bail money or pay fines within a reasonable time should not be used as a reason for detaining the worker.

17. Governments, employers' and workers' organisations should closely cooperate at both the national and international levels with a view to ensuring, where needed, the protection of and prompt provision of legal assistance to inland transport workers abroad. The public authorities should provide all employers engaged in international inland transport operations with information on national legal assistance schemes.

Transport conditions

18. Inland transport workers may be particularly vulnerable to criminal acts abroad. In this regard, adequate measures should be taken by public authorities, with the assistance, where appropriate, of the employers' and workers' organisations concerned, to protect workers while in transit and to ensure the security of parking places where crews have to spend their rest periods on board their vehicles or vessels. When inland transport workers are the victims of criminal acts abroad, the public authorities should make every effort to assist them and to help them contact promptly their employers and consular representatives.
19. Expeditious border crossing is one of the main factors which may not only reduce costs of waiting time but also improve working conditions of the workers engaged in international inland transport. National immigration and visa procedures should be adjusted as much as possible to the specific conditions of international inland transport. Efforts should be continued through bilateral, regional or subregional agreements to harmonise national transit policies with a view to making international inland transport more effective and thus improve working conditions of those engaged in it.
20. New communication technologies recently introduced in the inland transport sector have had a positive effect on the efficiency of transport operations, have often improved working conditions and reduced the isolation of operators. However, appropriate measures should be taken through legislation, collective or other agreements to ensure that such information and equipment is not used illegally, that the legal rights of employers and workers are respected and that data concerning any worker thus generated are made available to that worker.

Social protection

21. Inland transport workers should be fully covered to meet all necessary expenses that may arise in the event of sickness or occupational accident while they are abroad. Repatriation due to medical reasons, as well as repatriation of a deceased worker, should also be guaranteed by legislation, collective agreements, bilateral or multilateral agreements, including treaties, as appropriate.
22. Where appropriate, measures should be taken at the international level to ensure reciprocity of national medical insurance schemes through bilateral, regional or subregional agreements to ensure that inland transport workers receive necessary medical treatment abroad.
23. Appropriate measures should be taken through legislation, collective agreements, bilateral or multilateral agreements, including treaties, to guarantee inland transport workers the right to unconditional emergency medical treatment, including transportation to the nearest proper medical facilities, which might be required during their work abroad.

Action by the ILO

24. To promote legal and social protection of inland transport workers abroad, the ILO should assist its tripartite constituents by collecting and disseminating information, and providing technical assistance, workers' education and training.
25. The ILO should strengthen its cooperation with other United Nations agencies and other regional and international organisations to provide necessary assistance to the countries seeking to establish effective systems of social and legal protection of inland transport workers abroad through national legislation, collective agreements, bilateral and multilateral agreements or treaties, including regional and subregional agreements.
26. The ILO should continue to assist governments, employers' and workers' organisations in their efforts to set up or develop tripartite machinery necessary to provide adequate social and legal protection to workers engaged in international inland transport during their temporary periods abroad.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Twelfth Session**

Geneva
22-30 January 1992

Resolution (No. 127) concerning workers' education in the inland transport sector

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Twelfth Session, from 22 to 30 January 1992,

Recalling the important work carried out by previous sessions of the Inland Transport Committee,

Noting the vital role played by inland transport in the development of international economic, social and cultural activities,

Emphasising the need to ensure that officers of inland transport workers' trade unions receive training in order to benefit to the maximum extent possible from the work done by the ILO;

Adopts this thirtieth day of January 1992 the following resolution:

The Inland Transport Committee invites the Governing Body of the International Labour Office to instruct the Director-General to include within the ILO Workers' Education Programme training activities at national, regional and international level for the officers of inland transport workers' trade unions, with particular emphasis on the work and activities of the ILO in inland transport.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Twelfth Session**

Geneva
22-30 January 1992

Resolution (No. 128) concerning regional economic groupings and ILO activities in the inland transport sector

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Twelfth Session, from 22 to 30 January 1992,

Noting that the process of economic integration between groups of countries on a regional and subregional basis is leading to the rapid expansion of international inland transport,

Recalling resolution (No. 98) concerning the convening of regional meetings for inland transport adopted at its Ninth Session,

Recalling resolution (No. 125) concerning the future work of the ILO in inland transport adopted at its Eleventh Session;

Adopts this thirtieth day of January 1992 the following resolution:

The Inland Transport Committee invites the Governing Body of the International Labour Office to request the Director-General to:

1. study the socio-economic implications for inland transport workers and their enterprises of the processes of regional and subregional integration;
2. convene appropriate meetings in the African, Asia/Pacific and Latin American regions for the purpose of discussing such studies and advising on the social implications of regional and subregional integration for inland transport.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Twelfth Session**

Geneva
22-30 January 1992

Resolution (No. 130) concerning subcontracting in the inland transport sector

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Twelfth Session, from 22 to 30 January 1992,

Noting that the practice of subcontracting in inland transport industries tends to expand rapidly throughout the world,

Recalling the Labour Clauses (Public Contracts) Convention, 1949 (No.94), which covers only subcontracting by public authorities;

Adopts this thirtieth day of January 1992 the following resolution:

The Inland Transport Committee invites the Governing Body of the International Labour Office to examine the advisability of extending the coverage of Convention No. 94.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Twelfth Session**Geneva
22-30 January 1992**Resolution (No. 131) concerning informal activities of the inland transport sector**

The Inland Transport Committee of the International Labour Organisation,
Having met in Geneva, in its Twelfth Session, from 22 to 30 January 1992,
Noting the expansion of the means of inland transport in the developing countries,
Considering that in these countries informal activities have developed significantly in the inland transport sector,
Recalling the resolution on the promotion of self-employment, adopted by the International Labour Conference in June 1990, and the report entitled The dilemma of the informal sector, presented by the Director-General of the International Labour Conference in June 1991;

Adopts this thirtieth day of January 1992 the following resolution:

The Inland Transport Committee invites the Governing Body of the International Labour Office to:

1. encourage member States and employers' and workers' organisations to take the necessary measures to enable persons working in the informal sector to improve progressively their working and living conditions to the level of the rest of the economy;
2. ask the Director-General of the International Labour Office:
 - a. to continue the ILO's programme and studies on the informal sector, scheduled for 1992-93, and to include in them a detailed study of the situation of inland transport workers with a focus on the developing countries;
 - b. to urge member States, on the basis of the resolution adopted in June 1990 by the International Labour Conference and the debate at the 78th Session (1991) at the International Labour Conference, to pay sustained attention to the informal sector and to apply the proposals contained in the resolution of June 1990, particularly with regard to the ILO's action.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Twelfth Session**

Geneva
22-30 January 1992

Resolution (No. 132) concerning working hours and safety and health in the inland transport sector

The Inland Transport Committee of the International Labour Organisation,
Having met in Geneva, in its Twelfth Session, from 22 to 30 January 1992,
Recalling the Hours of Work and Rest Periods Convention, 1979 (No. 153),
Recommendation, 1979 (No. 161), and resolution (No. 108) concerning working time in the transport industry adopted at its Tenth Session,
Noting that only seven countries have ratified Convention No. 153,
Recalling also resolution (No. 79) concerning labour inspection in road transport adopted at its Seventh Session,
Noting the important role of transport in social and economic development,
Noting that transport demands are growing rapidly, be it with regard to freight or passenger transport,
Noting that working hours, conditions of work, driving time as well as occupational safety and road safety are important considerations for the inland transport sector,
Believing that all these problems should be examined thoroughly;

Adopts this thirtieth day of January 1992 the following resolution:

The Inland Transport Committee invites the Governing Body of the International Labour Office to:

1. urge member States to ratify and apply Conventions relating to occupational safety and health of workers;
2. consider applying the procedure provided under article 19, paragraph 5(e), of the ILO Constitution with respect to Convention No. 153;
3. instruct the Director-General to continue to undertake studies on working hours in the national inland-navigation and road transport laws.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Twelfth Session**

Geneva
22-30 January 1992

Resolution (No. 134) concerning deregulation and privatisation in the inland transport sector

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Twelfth Session, from 22 to 30 January 1992,

Considering the growing tendency in many countries towards deregulation and privatisation in the road, railway, waterway and port branches of the inland transport sector,

Considering that this evolution could have an effect on the world of work, including employment, training requirements, conditions of work and the structure of enterprises, the competitiveness of enterprises and the quality of the services they render to their customers;

Adopts this thirtieth day of January 1992 the following resolution:

The Inland Transport Committee invites the Governing Body of the International Labour Office to call on member States to consider, in the case of deregulation of the inland transport sector, the importance of ensuring that it takes place in an environment of fair competition, by applying rules and standards that should apply to all inland transport operators.

► PART 3. SECTOR-SPECIFIC: INLAND TRANSPORT COMMITTEE RESOLUTIONS AND CONCLUSIONS

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Second Session**

Geneva
7-16 May 1947

Resolution (No. 16) concerning the convocation of a special conference for the international regulation of social security and conditions of work in navigation on the Rhine

The Subcommittee on Rhine Navigation,

Appointed by the Inland Transport Committee of the International Labour Organisation,

Convened by the Governing Body of the International Labour Office,

and meeting in Geneva for its second session from 7 to 16 May 1947,

Adopts this fourteenth day of May 1947 the following resolution:

1. Considering that in the absence of any co-ordination the existence of different national social security laws involves, in their application, certain consequences prejudicial to the mobile workers of undertakings engaged commercially in Rhine navigation in the various countries bordering the Rhine and in Belgium,

Considering that it is necessary that workers should not be covered by the social security legislation of more than one country,

Considering that it appears highly desirable to achieve, by means of an international Convention, co-ordination in the application of such legislation providing for:

- a. the retention of benefit rights acquired or in process of acquisition under the different social security systems by which the persons concerned have been successively covered;
 - b. a service in the countries bordering the Rhine and in Belgium of social security payments other than pensions and annuities, whatever the place in any of these countries in which the persons concerned are living.
2. Considering, further, that conditions of work in Rhine navigation, whether fixed by national legislation or any other means, differ considerably in their application from one country to another;

Considering that it appears highly desirable to determine by means of international Conventions, minimum conditions concerning, inter alia: manning; hours of work; wages; payment for overtime; rest periods; rest days; annual holidays with pay.

3. Considering that in any Conventions concerning the objectives set out in paragraphs 1 and 2 above, provision should be made for agencies to supervise the application of the said Conventions;

The Subcommittee on Rhine Navigation set up by the Inland Transport Committee invites the Governing Body to request the International Labour Office:

- a. to draw the attention of the Governments of the countries concerned to the problems mentioned in Part I of the present resolution;

- b. to suggest to the Governments of these countries that a special tripartite Conference should be convened for the purpose of drawing up the necessary drafts of Conventions;
- c. to prepare on the basis of information to be obtained from these Governments, from employers' and from workers' organisations, in close collaboration with the Central Commission for the Rhine and the European Transport Organisation, such, studies and texts as may serve as a basis for the work of such a Conference.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Third Session**

 Brussels
18-27 May 1949

Resolution (No. 26) concerning protection of young workers on inland waterways

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office, and,

Having met at Brussels in its Third Session from 18 to 27 May 1949,

Having considered the problem of protection of young workers occupied in inland waterways,

Having considered and discussed Report III prepared by the Office on the question,

Having further considered the desirability of protecting the life and health of young workers as set forth in the resolution on the protection of children and young workers adopted by the International Labour Conference in 1945, particularly as regards admission to employment in hazardous occupations;

Adopts this 27th day of May 1949 the following resolution:

1. The work of children under 14 years of age should be prohibited in connection with the operation of vessels on inland waterways, provided that
 - a. where a higher minimum age of admission to regular employment has been established under national laws or regulations governing age of admission to employment or of school leaving, the higher standard should prevail; and
 - b. when circumstances permit, such minimum age of admission to employment should be progressively raised.
2. Where the minimum age of admission to employment varies as between neighbouring countries, intergovernmental agreements should establish the minimum age of employment in operations on inland waterways subject to the jurisdiction of more than one such country.
3. The age of admission to employment on inland waterways in occupations involving hazard or responsibility should be established at an age higher than the general age of admission to employment, provided that
 - a. the age should be determined by the competent authority with the presumption that it should be 18 years unless circumstances justify a higher or lower age in accordance with the degree of hazard and responsibility involved; and
 - b. such regulations should apply particularly to:
 - i. the handling of winches and cranes, operations in navigation involving hazard and such loading or unloading operations as require undue physical strain for young workers;
 - ii. trimming, stoking (particularly where hand-firing is concerned), and engineering operations.
4.
 - a. Medical examination, prior to employment, attesting to fitness for work, should be required for all young workers on inland waterways.
 - b. The expense of such examination should not be placed upon the young person or his parents or guardians and could properly be considered a public charge.
5. In view of the difficulty of regulating hours of work and night work of young persons by special regulations not applicable to all workers on inland transport undertakings, the following provisions should govern rest for young workers under 18 years of age:

- a. a period of night rest should be provided for all young workers of at least 11 hours in 24 hours, including the interval between 10 p.m. and 5 a.m.;
 - b. in exceptional circumstances, the above period may be reduced to 9 hours provided equivalent compensatory rest is provided in the succeeding twenty-four hour period continuous with the succeeding night rest;
 - c. further exceptions might be made to this general rule for young workers 16 years of age and over engaged in positions requiring continuous operation and established on a regular watch system, provided they are given an uninterrupted rest period of at least eight hours each day.
6. a. A rest period of one day in seven on the average, to be combined where possible with the preceding or following nightly rest, should be accorded to all young workers under 18 years of age engaged on inland waterways.
- b. Where such provision cannot be made, compensatory rest should be provided for young workers.
- c. Subject to the foregoing, the day of rest should when practicable fall on the normal day of rest as fixed by national law or custom.
7. a. Annual holidays with pay should be accorded to all young workers under 18 years of age engaged on inland waterways, of a minimum duration of 12 working days taken continuously, after the equivalent of one year of service, provided that,
- b. More favourable treatment might be accorded to young workers of 16 years of age and under.
8. a. Provision for inspection by suitably trained persons should be made to cover young workers on inland waterways by national laws and regulations.
- b. appropriate arrangements should be made by the competent authority for records or other means of control to ensure effective application of the law.

**Inland Transport Committee
Third Session**

Brussels
18-27 May 1949

Resolution (No. 27) concerning the placing on the agenda of an early session of the International Labour Conference of the question of the protection of young workers on inland waterways

The Inland Transport Committee of the International Labour Organisation;

Having been convened by the Governing Body of the International Labour Office, and

Having met in Brussels for its Third Session from 18 to 27 May 1949,

Having considered the problem of protection of young workers occupied in inland waterways, and

Having considered and discussed Report III prepared by the Office on the question,

Adopts this 27th day of May 1949 the following Resolution:

The Governing Body of the International Labour Office is invited to place upon the agenda of an early session of the International Labour Conference, with a view to the adoption of international regulations, the subject of protection of young workers on inland waterways in accordance with the Resolution on the subject adopted by the Inland Transport Committee at its Third Session held in Brussels, May 1949.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Third Session**

Brussels
18-27 May 1949

**Resolution (No. 28) concerning protection of children and young workers
in family undertakings on inland waterways**

The Inland Transport Committee of the International Labour Organisation,
Having been convened by the Governing Body of the International Labour Office, and
Having met at Brussels in its Third Session from 18 to 27 May 1949,
Having considered the problem of protection of young workers occupied in inland waterways,
Having considered and discussed Report III prepared by the Office on the question,
Having recognised the existence on inland waterways in certain countries of family undertakings in which
particular circumstances may govern the work of children and young persons living on board,
Being convinced that these children and young persons are entitled to the same opportunities for education and
normal development as other children;

Adopts this 27th day of May 1949 the following Resolution:

1. The Governing Body of the International Labour Office is invited to suggest to the Governments of those countries particularly concerned with the problem of family undertakings the desirability of affording to young workers in such undertakings protection equivalent to that afforded other young workers under their legislation;
2.
 - a. The minimum age of entry of young persons into work in connection with the operation of vessels on inland waterways by such family undertakings should be the same as for all other undertakings; and
 - b. special emphasis should also be placed on regulations regarding the minimum age for engaging in duties which may involve hazard for children and young workers, with the understanding that the application of such regulations should not prejudice the entry at a suitable age of young persons into such family undertakings.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Fourth Session**

Nervi, Genoa
4-15 December 1949

Resolution (No. 43) concerning Working Conditions on Inland Craft in Asia and the Far East

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office, and

Having met at Nervi, Genoa, in its Fourth Session From 4 to December 1951,

Having noted with great interest the information provided in the General Report on the subject of the problems raised by working conditions on inland craft in Asia and the Far East,

Being convinced that an improvement in the present situation is of vital importance for the millions of unorganised workers whose standard of living is particularly low, and that an improvement in the living conditions of these workers would be an important step towards the improvement of social conditions in the regions concerned,

Having noted with satisfaction the decision taken on this matter by the Governing Body of the International Labour Office at its 117th Session (Geneva, November 1951),

Trusting that the governments concerned will communicate to the Office the information they already have on the subject of the working and living conditions of workers engaged in inland navigation in their respective countries and will undertake, if possible, in consultation with the Office, on-the-spot enquiries designed to obtain information on the present situation and to assist in the formulation of precise recommendations for its improvement, and

Expressing the hope that the governments concerned will seize the opportunity offered them to ask the Office to carry out enquiries, in the first instance, on one or two inland waterway systems,

Adopts this fourteenth day of December 1951 the following resolution:

The Governing Body of the International Labour Office is invited to follow attentively the problems raised by working conditions on inland craft in Asia and the Far East and to instruct the Office to report on the question at the next session of the Inland Transport Committee.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Fifth Session**

Geneva
15-26 February 1954

Resolution (No. 57) concerning the employment of women on inland waterways

The Inland Transport Committee of the International Labour Organisation,

Having been convened by the Governing Body of the International Labour Office, and

Having met at Geneva in its Fifth Session from 15 to 26 February 1954,

Considering that the Inland Transport Committee, at its First Session (London 1945), requested that an enquiry should be made by the International Labour Office into the employment in inland navigation of women and children and measures for their protection, for submission to a future session of the Committee,

Considering that the Committee, at its Second Session (Geneva, 1947), invited the Governing Body to instruct the Office to undertake a study of the problems raised by the employment of women in the transport industry,

Recalling that a report on the protection of young workers on inland waterways was submitted by the Office to the Third Session (Brussels 1949), and that the Committee adopted detailed resolutions on this subject at that session, and

Convinced of the advisability of an examination by the Committee, as soon as possible, of the problems raised by the employment of women in inland navigation;

Adopts this twenty-sixth day of February 1954 the following resolution:

The Governing Body of the International Labour Office is invited to place on the agenda of the Sixth Session of the Committee the question of the employment of women in inland navigation and measures for their protection.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Eight Session**

Geneva
21 November-2 December 1966

Resolution (No. 95) concerning questions of concern to workers in inland waterways

The Inland Transport Committee of the International Labour Organisation,

Having met at Geneva in its Eighth Session from 21 November to 2 December 1966,

Recalling the important position which inland water transport occupies in the transport systems of a substantial number of both developing and industrialised countries,

Noting that in many countries the use of inland waterways has intensified and that this fact has affected the working and living conditions of boatmen employed in the industry,

Noting further that the conditions of boatmen in this industry have not been examined in the Inland Transport Committee for almost ten years;

Adopts this first day of December 1966 the following resolution:

The Governing Body of the International Labour Office is invited to convene at an early opportunity a tripartite meeting on conditions of boatmen in the inland waterway industry to examine on a world-wide basis the following questions:

1. Minimum age of admission to employment.
2. Medical examinations.
3. Vocational training.
4. Certificates of competency.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Tenth Session**

Geneva
15-24 January 1980

Resolution (No. 106) concerning the Main-Danube Canal

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Tenth Session, from 15 to 24 January 1980,

Noting the importance of the navigation on the Rhine and Danube for European countries, which could be considerably increased when the Main-Danube Canal is opened,

Being of the opinion that a linking of the two waterway systems will demonstrate to an increased extent the need for the protection of the workers concerned in international transport;

Adopts this twenty-fourth day of January 1980 the following resolution:

The Inland Transport Committee requests the Governing Body of the International Labour Office to instruct the Director-General to arrange for a study to be carried out by the Office on the social and welfare problems of boatmen operating on the Rhine and Danube waterway.

INTERNATIONAL LABOUR ORGANISATION

**Inland Transport Committee
Eleventh Session**

 Geneva
23-31 January 1985

Conclusions (No. 114) concerning the working and social conditions of boatmen in domestic and international inland navigation, including legal protection and repatriation, as well as occupational safety and health aspects connected with the application of new technologies

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Eleventh Session, from 23 to 31 January 1985,

Having examined the report (Report II) prepared by the Office on "The working and social conditions of boatmen in domestic and international inland navigation, including legal protection and repatriation as well as occupational safety and health aspects connected with the application of new technologies";

Adopts, this thirty-first day of January 1985, the following conclusions:

General considerations

1. In most countries, the inland water transport industry is composed of an organised modern sector and an unstructured sector. The term "organised modern sector" as used in these conclusions should be understood to apply generally to all enterprises where an employment relationship exists. The term "unstructured sector" should be understood to refer to that sector of the industry which is composed of self-employed boatmen and other operators who come to a lesser degree under the purview of labour legislation and who are generally not party to collective agreements even though they may, on occasion, employ a small number of workers. The term "boatman" is defined as all crew members working on vessels operating on inland waterways.
2. Improved productivity in the industry enhances its competitive and complementary position vis-à-vis other means of inland transport and should therefore receive special attention by all concerned, particularly in view of its impact on employment creation and job security.
3. In most countries and in some cases, there is less extensive labour and social legislation applying to the unstructured sector and whatever exists is often inadequately applied. This situation, which at any rate must take into account limits compatible with health and safety and the requirements for an adequate return on investment in both sectors, tends to affect the relative competitive situation of the two sectors and could adversely affect social progress.
4. Action taken to harmonise working and social conditions should not result in any lowering of existing conditions.
5. It is desirable that there should be the greatest possible similarity between the working conditions in the two sectors and that working conditions in the industry as a whole, notwithstanding special aspects and conditions of the inland water transport industry, should not be less favourable than those in other comparable industries.
6. Specific solutions need to be found, in keeping with national practice, so that the provisions of labour legislation and collective agreements, which are essentially based on the existence of an employment relationship, can be extended to self-employed boatmen and other operators in the unstructured sector.
7. The need for harmonising certain working conditions between the two sectors in the interests of navigational safety, as well as the importance of vocational and continuous training for the improvement of both safety and working conditions, should be recognised as a necessity for the entire industry.

8. The improvement of working and social conditions of boatmen should be sought, as appropriate, through collective bargaining, labour legislation and regulations, international agreements or other means.

Technological changes

9. Largely because of the advantages it offers in terms of savings in energy, inland navigation is going through a period of accelerated development reflected in the expansion of waterway networks, modernisation of fleets and equipment, and the introduction of new technology for handling increased cargo and traffic.
10. Push-tow convoys, containerisation, roll-on roll-off techniques, faster and larger vessels, speedy mechanical cargo handling and waterway development and conservancy can improve productivity and performance in the industry.
11. Such technological changes frequently have an impact on working conditions. In introducing them, efforts should therefore be made to ensure that working conditions are made commensurate with these technological changes.
12. Certain technological changes and, in particular, those resulting in longer distances being travelled through continuous (day and night) navigation or a combination of river and sea navigation, can affect both working and social conditions of the crews. In addition to their potential impact on working hours, rest periods, night rest, leave and repatriation, such changes may also affect requirements relating to crew accommodation, welfare facilities on board or in ports, schooling facilities and various other social conditions such as the duration of separation from families, particularly in view of the different regulatory framework for inland and sea-going navigation.
13. Adequate information for, and consultation with the workers concerned is essential and some problems should, where applicable, be the subject of collective bargaining.
14. Equitable sharing of the benefits of technological changes is important and can go a long way in ensuring their acceptance and proper utilisation by the workers concerned.
15. Technological changes can also have an impact on employment, including crew composition, competency requirements and training. It is also recognised that, where major technological changes are being brought about for the first time on a large scale, particularly in developing countries, they can be very expensive. In these situations the issues relating, in particular, to crew composition and working norms should be settled with the parties concerned keeping in view the overall viability of the individual units in the industry and the social benefits accruing from these changes to the economy, giving due consideration to the effect on job security.

Occupational safety and health

16. As a general rule, technological improvements result in a reduction of physical effort. On the other hand, they may, in some cases, call for increased mental and nervous concentration and, as a result, lead to increased stress. Some technology may also involve new hazards.
17. It is essential that safety and occupational health regulations for inland navigation should be laid down by the competent authorities, that their observance be ensured through inspection and that such regulations be periodically revised in the light of changes. In this regard, it is necessary for the competent authorities to ensure that adequate safety and health information, training and equipment is provided to boatmen.
18. Safety and health in inland navigation, including the safety of ships and crews, is a primary responsibility of governments, managements and workers. Safety and health rules must be laid down by governments and procedures for their enforcement should be subject to consultation with the workers' representatives or their unions, where these exist, and the employers or their associations. Even where there are no workers' representatives or unions, these rules must be laid down bearing in mind the safety and health requirements of workers.
19. Safety and health considerations should be taken into account at the design stage of the equipment; they should be a primary criterion for selecting equipment and for the initial and periodic renewal of certification of inland navigation craft.
20. Harmonisation of safety regulations and exchange of knowledge and experience on this matter between countries, in particular that relating to new techniques and equipment and marking and transportation of

dangerous cargoes, should receive special attention. The development of such regulations, their periodical updating and effective application, should be the subject of continuing attention at the national and international levels.

21. The competent authorities should give adequate attention to the safety and health problems of operators in the unstructured sector who sometimes lack the necessary training, information and equipment. Such attention is necessary, both in the interest of the boatmen and their families, who often live and work on board, and in the interest of the safety of inland navigation as a whole. Action for the improvement of the conditions of boatmen in the unstructured sector poses particular problems of regulation and inspection and, as such, calls for solutions which take local conditions into account.

Hours of work and rest periods

22. Hours of work of boatmen in the organised modern sector vary considerably between countries and even within countries. Excessively long hours of work endanger both the workers' health and safety in navigation. Action to regulate working hours through legislation and, where applicable, through collective agreements is essential.
23. Where applicable and necessary, where inland navigation is carried out across national borders, the standardisation of working hours should be sought through bilateral, regional or inter-regional agreements.
24. The introduction of technological changes permitting continuous day and night navigation makes legal regulation and enforcement of working hours, including a maximum daily work period enforced by legal sanctions, as well as rest periods, night rest, and the different work requirements on board, increasingly important. Legally permissible overtime should attract a higher rate of pay and/or compensatory rest time, in keeping with national law and practice.

Paid leave

25. Employed boatmen's entitlements to paid leave should not be less favourable than those in other comparable industries. Where, in the execution of their duties, they are required to work long hours and/or be away from home longer than an agreed or specified period, they should be entitled to adequate compensation in the form of paid leave entitlements, the duration of which should be established through collective agreements and/or legislation.

Protection of young boatmen

26. Regulation of working hours is particularly important for the protection of young boatmen in both sectors.
27. Measures for the protection of young boatmen through adequate training and supervision are also required. Young boatmen below an age to be determined by the competent authorities should not be made to work as full crew members and, in particular, should not be assigned to tasks having high health and safety risks.

Minimum age of admission to employment

28. The minimum age of admission to employment varies from country to country, depending largely on the stage of a country's economic and social development. However, the minimum age of admission to employment in the inland water transport industry should in no case be lower than that in other comparable industries in the same country. It should be noted that the Minimum Age Convention, 1973 (No. 138) and Minimum Age Recommendation, 1973 (No. 146) also apply to inland water transport.

Medical examinations

29. Changes in the physical and mental workloads brought about by technological development, as well as the new health hazards caused by the increasing variety of goods carried by inland water transport, make periodic medical examinations of boatmen essential. The nature of both entrance and periodic medical examinations should be

determined by the competent authority in due consultation with the employers' and workers' organisations concerned. Medical examinations should be carried out free of charge to the workers by doctors approved by the competent authority, and who, where possible, are familiar with the working conditions in inland water transport.

30. As regards medical examinations of young persons, it should be noted that the provisions contained in the Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77), also apply to inland water transport, while the Medical Examination (Seafarers) Convention, 1946 (No. 73), also covers estuarial craft.

Vocational training and certificates of competency

31. Technological development in inland navigation calls for increased attention to be given to vocational training and retraining and certificates of competency for boatmen.
32. Minimum training requirements for the different categories of inland water transport and the skills for their respective crews need to be laid down and should be determined by the competent authority in consultation with the employers' and workers' organisations concerned so as to take into account the needs of the industry.
33. Where inland navigation is carried out across national frontiers, consultation, exchange of information and mutual agreement on skill requirements is desirable.
34. National laws and regulations and/or collective agreements should provide for the retraining and transfer to another occupation of boatmen found physically incapable of continuing in their trade. Alternatively, they should enable these boatmen to qualify for a welfare benefit.

Repatriation

35. In view of the tendency for inland water transport craft to cover increasingly« long distances, including navigation beyond national borders or into the open sea, boatmen stranded away from the port of engagement, either as a result of illness or for any other reason beyond their control, should be entitled to return transportation at the expense of social insurance, if it exists, or of the employer or the national authorities concerned, as appropriate.

Legal protection

36. When, for reasons having to do with their employment, wage-earning boatmen abroad find themselves in conflict with the law of the country in which they happen to be, they should be entitled to legal protection at the cost of the employer. The employer or his agent should, in all cases, seek assistance from the consular services or any other competent authority concerned. In these and other situations, the legal protection abroad of boatmen should be provided for by the national authorities of the countries of origin, if necessary through bilateral or international agreements.

The role of public authorities

37. Government and public authorities have an important direct and indirect role for improving working and social conditions of boatmen. Legislation or regulations governing working conditions of boatmen should be enacted in close consultation with the employers' and workers' organisations concerned, where they exist. Where State-owned enterprises are important employers in inland water transport, they should play an important guiding role by acting as model employers.
38. Public authorities should ensure the application of the provisions of labour legislation through efficient inspection systems in keeping with national practices, including sanctions for non-observance, bearing in mind the provisions of the Labour Inspection Convention, 1947 (No. 81).
39. Workers, as well as employers, can play a positive role in supporting the inspection services and ensuring the application of the provisions of legislation and/or collective agreements, bearing in mind the provisions of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) and the Tripartite Consultation (Activities of the ILO) Recommendation, 1976 (No. 152).

40. Where working conditions are primarily laid down by collective agreements, public authorities should, within the framework of legal possibilities and in concertation with the employers and workers, examine the social benefits to be derived from extending the working conditions of such agreements to other groups of workers not directly covered by these collective agreements and, if feasible and necessary, should initiate action to extend them.
41. Public investment or government encouragement of investment in inland water transport and waterways in all countries, especially the developing countries, can substantially contribute to the economic viability of the industry and to its ability to afford improvement in working conditions and security of employment of boatmen. Such investment could be either capital or labour intensive according to the national situation.
42. Governments can also play an important role in alleviating the impact on the inland water transport industry of adverse climatic and economic factors which may affect the continuity of its operations and of employment. In this connection, government efforts to improve waterways can help to redress the seasonal nature of the occupation in some countries, thus improving both continuity of employment and return on investment.

Tripartite co-operation

43. Tripartite co-operation in the improvement of working conditions is essential and tripartite advisory bodies should be set up where appropriate in keeping with national practice.

Action at the international level

44. The ILO should pursue and intensify its efforts for the improvement of working and social conditions of boatmen through studies and research, standard setting, technical meetings and technical co-operation. Effective co-ordination with other international organisations should be ensured in this regard.
45. Specific activities that the ILO might undertake in the future could include the following:
 - a. compilation and dissemination of a manual on the legislation and experience of various countries relating to working conditions in inland water transport;
 - b. preparation and dissemination of a manual on occupational safety and health regulations in inland water transport;
 - c. study on technological changes in inland water transport and their impact on working conditions, particularly intended for the guidance of developing countries;
 - d. study on the extent of the application of international labour Conventions and Recommendations to workers in inland water transport including those in the unstructured sector;
 - e. to report on the application of the present conclusions to a forthcoming session of the Inland Transport Committee, to be convened within five years;
 - f. providing technical assistance in setting up and, where necessary, reviving training and other facilities in countries requesting them and also providing help to any member in implementing (a) through (d) above, if requested;
 - g. inclusion, in the workers' education programme of the ILO, of appropriate technical assistance to boatmen's unions in the developing countries, where requested;
 - h. as further implementation of points (a) through (d), the ILO should encourage the interchange of technical assistance between the developed countries and the developing countries.
46. Bilateral or multilateral agreements are important instruments for the harmonisation of working and other conditions in international waterways. Although experience so far has been largely limited to social security matters, consideration of the extension of the scope of such agreements to other working conditions should be pursued.

**Inland Transport Committee
Twelfth Session**

Geneva
22-30 January 1992

Resolution (No. 129) concerning working conditions on international waterways

The Inland Transport Committee of the International Labour Organisation,

Having met in Geneva, in its Twelfth Session, from 22 to 30 January 1992,

Noting the increasing importance attached to the development of international transport by inland waterway, and in particular the Rhine-Main-Danube and Parana-Paraguay-Uruguay-de la Plata systems,

Considering that the increasing trade by these waterways should benefit the workers and the whole economy of the riparian States,

Believing that competition in the sector should take place in full respect of established working conditions and safe manning practices;

Adopts this thirtieth day of January 1992 the following resolution:

The Inland Transport Committee requests the Governing Body of the International Labour Office to facilitate the drawing up of appropriate bilateral or multilateral agreements to ensure the application of working conditions and manning standards in the interests of the inland navigation workers concerned.

► PART 4. OUTCOMES OF GLOBAL MEETINGS

1968: Meeting of Conditions of Work in the Inland Water Transport Industry

Note: This meeting consists of the report that governing body decided to consider at its 174th session.

General Discussion

6. The Meeting first held a general discussion. Some participants described the conditions of boatmen in their countries and expressed appreciation of the I.L.O.'s efforts over the years on behalf of transport workers. They warmly welcomed the opportunity of discussing common problems pertaining to boatmen within the tripartite structure of the present Meeting at a time when considerable changes were taking place in the inland water transport industry.
7. In many countries the use of inland waterways had intensified, a development which had had profound effects on the working and living conditions of boatmen. Inland water transport was also being directly affected by technological innovations. The application of modern aids to navigation had made possible night navigation on many waterways, the introduction of push towing had greatly increased the productivity of the industry, and the use of pallets and containers had facilitated the loading, unloading and stowage of general cargo.
8. In other countries, development had been less marked and conditions of boatmen had changed little. Plans were, however, under way in many of these countries for modernising and expanding the industry.
9. In many countries concern was being felt for the health and development of young boatmen, and there was a general desire to ensure that they were given equality of both educational and vocational opportunity with other youths.
10. It was also emphasised that there was a strong case for international action at this time to support the efforts being made in a growing number of countries to protect young persons employed on inland water vessels. Such action could be particularly useful in respect of countries whose vessels were engaged in navigation on international waterways. The protection of youths called for measures to deal with the establishment and enforcement of a reasonable minimum age, having regard to the fact that the work on board was carried out in circumstances which were often dangerous to the life, health and morals of the persons concerned, the carrying out of medical examinations prior to employment and regularly thereafter until a certain age, and adequate opportunities for obtaining general education and proper training in the chosen occupation.
11. The diversity of conditions among countries and regions was also emphasised and the need to adopt flexible conclusions was stressed. Comparable conditions of life and work of boatmen in all countries could not be achieved through international legislative action, but it should be possible to attain certain minimum standards nearly everywhere in regard to the items on the agenda. The question was to establish realistic standards which took fully into account those established in the more advanced countries so as to give useful guidance and encouragement to other countries wishing to establish standards in respect of minimum age, medical examinations and vocational training and certificates of competency.
12. The Meeting concluded that it would be desirable for the I.L.O. to adopt formal international instruments in respect of boatmen, setting standards concerning minimum age for admission to employment, medical examinations, vocational training and certificates of competency. It unanimously adopted a resolution requesting the Governing Body of the I.L.O. to invite the Director-General to take urgent steps with a view to

the preparation and adoption of formal instruments on these four questions taking as a basis the conclusions reached by the Meeting as set out in this report.

Definition of the Scope of Possible Formal instruments Regarding Boatmen

13. The Meeting considered various definitions of inland navigation as applied at the national level. These included, in general, navigation on rivers, canals, lakes and estuaries. Some participants felt that international standards should cover only work on commercially-operated craft while publicly- owned vessels and sport boats should be excluded. Others pointed out that it was desirable to have similar standards in respect of all craft including ferry boats and maintenance and repair vessels which were often publicly owned.
14. The question of whether or not to include owner- operated craft with no paid crew on board was also raised as was the position of non-mechanised vessels. Some participants felt that rather than making special exceptions for specific categories of craft a general limit should be applied. The purpose of the instruments should be to cover as many boatmen as possible in the interest of achieving full protection of the youths employed on the waterways.
15. The Government participants proposed the following definition of inland waterway craft:

"For the purposes of these conclusions inland waterway craft shall be defined as all boats and vessels, of any nature whatsoever, whether publicly- or privately-owned, which are engaged in the transport of passengers and cargo on lakes, rivers, canals and estuaries or which perform maintenance and repair functions on these waterways. These conclusions shall not apply to craft, operated without a paid crew, exclusively for sport and recreation."
16. The Workers' participants felt that the definition should include a tonnage limit. They submitted the proposal the following proposal:
" The instrument should apply to all persons working or employed on passenger and cargo vessels, as well as on floating installations, engaged in the inland water transport industry, with the exception of vessels and floating installations under 15 tons carrying capacity."

This definition was finally adopted.

Item 1 - Minimum Age for Admission to Employment as Boatman

17. The Meeting then went on to consider the question of minimum age for admission to employment as boatman. The Workers' participants expressed the view that the minimum age for exercising an occupation as boatman should be fixed at 18 years. On the other hand, the age for admission as a trainee on board a vessel (ship's boy) should be linked with the ordinary school-leaving age in each country, but should normally not be Lower than 15 years.
18. The Employers' participants referred to the provisions of the' Minimum Age (Sea) Convention (Revised), 1936, No. 58, and the Minimum Age (Fishermen) Convention, 1959, No. 112, which fix the age for admission to employment at 15, with the possibility of Lowering it to 14 in cases in which the employment would be beneficial to the persons concerned. They felt that these provisions could be applied also to boatmen on the understanding that the first years of work would be a period of adaptation and training.
19. It was also pointed out that by fixing the minimum age for exercising an occupation as a crew member on an inland waterway craft too high the Meeting might do a disservice to countries where youths were employed at a Lower age as deckhands and paid accordingly.

20. The Government participants proposed that the age for admission to employment as a crew member should be 18 years, except in the case of a youth working on board ship under the supervision of a member of his family, or of a trainee from 4 vocational training school working on board ship under the supervision of a teacher or an instructor. In these cases the minimum age should be 15. They also suggested that in respect of these latter youths the daily hours of work should be seven with a break of one.
21. After a lengthy discussion the Meeting agreed to the Following texts:

"The minimum age for admission to training on board an inland waterway craft, for the purposes of this instrument, shall be 15 years; this age limit may be reduced by a maximum of one year in respect of youths having complied with compulsory schooling as prescribed by national laws and regulations.

The minimum age for exercising fully the occupation of boatman on board inland waterway craft, for the purposes of this instrument, shall be 18 years; this age limit may be reduced by a maximum of one year in respect of youths having completed their vocational training."
22. One participant felt that the term "occupation of boatman" required further clarification and proposed that it should be defined as a skilled jobs; i.e. a job for which a certificate of competency was required under national regulations. This proposal was not adopted as in many countries national regulations did not require certificates of competency for all boatmen's occupations.
23. The Meeting felt that no special provisions should be made in an instrument on minimum age concerning work done by children on school ships or training ships. Similarly, the question of boatmen's children's school attendance or work done during school holidays should not be referred to in an instrument on minimum age. As regards the carrying regularly on inland waterway craft of children below the minimum age, the Meeting felt that this matter should be dealt with in national regulations which in many countries permitted such children to stay on board. In many countries special homes or boarding schools were provided for children of boatmen but this question should not be dealt with in an instrument on minimum age.
24. The Meeting discussed the question of enforcement procedures which should be mentioned in an instrument on minimum age and agreed with a proposal submitted by the Employers' and Workers' participants that the competent authority should take appropriate measures, including the establishment of an inspection service and the imposing of sanctions in case of infringements, to ensure effective enforcement.
25. As regards inland water transport craft crossing national frontiers, the Meeting went on record as proposing that the governments concerned should enter into reciprocal arrangements designed to harmonise and enforce standards concerning the minimum age for admission to employment as boatman.

Item 2 - Medical Examination

26. The Workers' participants pointed out that in many countries insufficient attention was being paid to the health of boatmen and that further protection was needed against the occupational risks involved in their work, as well as against the spread of diseases along the inland waterways. Improvements should be sought, through the concerted efforts of government, employers and workers. The question of compulsory medical examination of boatmen was very important, and it was high time that this idea was spelled out in an international boatmen's convention, as it had been established in respect of seafarers and fishermen some considerable time ago.
27. The Workers' participants felt that the proposed instrument should state that national laws and regulations should stipulate that boatmen seeking employment should produce a medical certificate attesting to their fitness for the work for which they were to be employed.
28. The Employers' participants agreed with this proposal and emphasised the importance of taking urgent measures to deal with the occupational hazards and diseases of inland water transport workers. They also suggested that boatmen of 18 years of age or less should undergo a compulsory medical examination on taking up employment. Those above 18 years should be submitted to medical examination if and when required by national regulations.
29. The Government participants also agreed with the Workers' proposal and stressed the need for all boatmen to undergo a medical examination before taking up work in the industry. Periodic medical examinations should be carried out during employment within the framework of the national health service or at the medical centres operated by the employers.
30. The Meeting agreed that the proposed instrument should provide that persons employed on inland waterway vessels should hold a medical certificate attesting to their fitness for the work for which they were employed, On the proposal of the Workers' participants it was also agreed to apply, in respect of this instrument, the definition adopted at the outset of the discussions (see para. 16).
31. The Workers' participants suggested that the nature of the medical examination required to obtain the certificate should be determined by the competent authority, after consultation with the employers' and workers' organisations concerned. The medical examination, which should be free of charge to the boatmen, should be carried out by a qualified doctor approved by the competent authority and conversant with conditions of work in inland navigation.
32. This view was shared by the other participants, some of whom pointed out that the medical examinations would be performed either by doctors attached to the national health services or by doctors employed by shipping companies. The Workers' proposal was then adopted.
33. The Employers' participants proposed that the particulars to be included in the medical certificate should be prescribed by the competent authority, after consultation with the employers' and workers' organisations in the inland water transport industry. The examination should cover the general state of health of the candidate with special regard to his cardio-vascular and respiratory systems. It should establish that he did not suffer from infirmities rendering him unfit for work on board or from contagious and chronic diseases; and determine that his hearing, eyesight and ability to distinguish colours presented no obstacles to his work on board.
34. The Government participants emphasised that the indications to be mentioned in the medical certificate should be as complete as possible and should take account of the nature of the work on board. Medical certificates should be issued in accordance with the regulations in force in each country.

35. The Workers' participants suggested that the particulars to be included in a medical certificate and its period of validity should be determined by the competent authority after consultation with the employers' and workers' organisations concerned. The examination should be designed to determine the candidate's suitability for a boatman's career.
36. The view was also expressed that the instrument should contain a fairly comprehensive list of the medical conditions which would preclude a person from employment as boatman.
37. The Government participants suggested that the validity of medical certificates should be limited to three years provided that this period was not contrary to national laws and regulations.
38. It was also pointed out that boatmen under 18 years should be required to undergo an annual medical examination. In respect of boatmen above 18 years the interval between examinations should be determined at the national level, as existing practices varied a great deal.
39. The Meeting finally decided that the particulars to be included in the medical certificate, its period of validity as well as the question of periodic re-examination should be determined by the competent national authorities after consultation with the employers' and workers' organisations in the inland water transport industry.
40. As regards the enforcement of the regulations concerning medical examination of boatmen, the Meeting agreed that the instrument should provide that the competent authority should take appropriate measures, including the establishment of an inspection service and the imposing of sanctions in case of infringements, to ensure effective enforcement.

Item 3 - Vocational Training and Certificates of Competency

Vocational Training

41. In defining the basic objectives of vocational training of boatmen, the Employers' participants underlined the need for giving boatmen, when entering the industry, an «adequate knowledge of the technical requirements and responsibilities of their job. Training should be designed to ensure for boatmen a standard of training equivalent to that provided for workers of other industries in the country concerned. The government should assist in attaining this objective in co-operation with the organisations of inland water transport employers and workers.
42. The Government participants pointed out that training should have as a primary objective the development of the technical knowledge and occupational aptitude of the various categories of boatmen for the benefit of themselves and of the community in general. Vocational training was a process which continued throughout the working life of a person in step with the modernisation of the industry. The training should be comprehensive and based on an analysis of the work performed on board inland water craft in the country concerned.
43. The Meeting approved a text submitted by the Workers' participants with certain modifications. This text provided that the basic objectives of vocational training of boatmen should be:

1. " to attract to the industry suitable men likely to follow a career in it;
 2. where appropriate, to provide general education prior to or at the same time as vocational training, in order to improve the general cultural level of the workers;
 3. to provide vocational training for inland waterway workers at least equivalent to that provided for other trades, occupations and industries;
 4. to create a body of qualified instructors for the required training programmes;
 5. to enable inland waterway workers to develop their skills and experience to the full;
 6. to provide adequate facilities for training and up- grading to meet the needs of the industry for all categories of personnel;
 7. to maintain and improve the efficiency and safety of the industry by providing training which is comprehensive and in line with recent and future technological developments;
 8. to assist in providing employment opportunities corresponding to their qualifications for persons having completed training courses for inland water transport."
44. After some considerable discussion of suggested definitions of skipper, mate, deckhand, engineer, motorman and fireman it was agreed that the instrument on training should apply to all categories of inland water transport workers as defined at the outset of the discussions (see paragraph 16).
45. As regards standards of training and national planning and administration of training schemes, various views were put forward; these found expression in a text submitted by the Workers' participants. As adopted by the Meeting this statement reads:

"In planning a national educational and training policy, the competent authorities in countries possessing or intending to develop an inland water transport industry should ensure that adequate provision is made in the general network of training facilities for the training of inland waterway workers.

Whilst local and regional efforts should be encouraged as appropriate, all public and private training activities should be co-ordinated and developed on the basis of an agreed national policy or programme.

Such & policy or programme should be drawn up by an appropriate body in which the competent authorities, employers! and workers! organisations concerned, educational authorities and institutions, and others having an intimate knowledge of or interest in vocational training for inland waterway workers should participate.

This body should undertake the planning, development, co-ordination and administration of training programmes and activities for the inland water transport industry; in particular, it should:

- a. assist in setting up and operating practical training schemes;
- b. assist in establishing general training standards;
- c. assist in establishing national certification standards for the different categories of personnel;

- d. maintain close contact, including inspection visits, with training activities in order to ensure that they answer the needs of the industry;
- e. disseminate information concerning available training opportunities;
- f. facilitate arrangements in order that, other things being equal, preference for employment may be given to persons having completed a training course.
If necessary, collaboration with other countries or with international organisations should be considered."

46. The Employers' participants pointed out that vocational training of boatmen should be carried out under conditions of finance similar to those applying to other recognised occupations and industries. It was desirable that trainees should not be prevented from undertaking training for financial reasons. This view was also shared by the government participants.

47. The Workers' participants proposed a text on financing, which was adopted with certain modifications in the following form:

"The financing of vocational training should be on a similar basis as that of other industries in the country concerned. This is a question for national decision, it being understood that financing should be adequate and regular. Training should as far as possible be without charge to trainees. This should not preclude the charging of fees where the trainee is not under an obligation to attend or does not require training in order to obtain or retain employment. In addition, the training of those in need should be facilitated by financial and economic assistance of the kind envisaged in I.L.O Vocational Training Recommendation, No. 117, 1962."

48. As regards training programmes the Meeting considered a set of proposals submitted by the Workers' participants. The text of these proposals, as adopted by the Meeting, is set out below;

"The curricula of schools and training courses should cover subjects closely related to the national certification examinations and should be based on an analysis of the work performed by the various categories of personnel and the recommendations of the competent body envisaged in subparagraph 3 of the conclusions set out in paragraph 45 above.

They should be periodically reviewed in order to keep them up to date with technical developments and: should, as far as appropriate to the functions to be exercised, include training in:

- a. general subjects pertaining to inland water transport including navigation, ship handling, cargo operations, laws and regulations and other matters relating to the operation of inland waterway vessels;
- b. the techniques of utilising special navigational and cargo-handling equipment for specific types of vessel and waterway;
- c. safe practices in ship and cargo handling;
- d. use of radio, radar and other electro-navigational aids used on inland waterway vessels;
- e. theory and practice in the operation, maintenance and repair of the propulsion and/or auxiliary machinery used on inland waterway vessels including the handling, maintenance and repair of electrical equipment;
- f. subjects of general educational value;

- g. health and physical training, especially swimming.

Training programmes should be primarily designed to prepare trainees for certificates of competency examinations but provision should also be made for training where actual qualification examinations do not exist.

The duration of the courses should be sufficient to enable trainees to assimilate the instruction given.

The competent national authorities and other appropriate bodies, including employers' and workers' organisations concerned, should co-operate in developing methods for regularly evaluating and reviewing the effectiveness of training programmes and bringing them up to date.

Training programmes should be designed to prepare trainees for certification and should be directly related to national certification standards. They should take account of requirements in respect of minimum age and minimum practical experience laid down by the competent authorities for the various grades of certificates. In the interest of providing training and retraining in modern techniques to all categories of workers, training should also be provided where certification does not exist or does not exist for particular kinds of work.

The teaching staff should comprise persons possessing broad general education, a theoretical education and satisfactory relevant practical experience in the inland water transport industry.

Where it is not possible to recruit teaching staff with these qualifications, persons with practical experience of the industry and having the necessary qualifications should be engaged.

Where it is not possible to recruit full-time teaching staff, persons with satisfactory qualifications should be employed on a part-time basis.

There should be the fullest co-operation at the national level in the collection and dissemination of information about training opportunities for the inland water transport industry in which all the educational and vocational institutes and other bodies concerned, including workers' and employers' organisations, participate."

49. With reference to methods of training the Workers' participants proposed a text which was generally acceptable to the participants. The text was modified in certain respects and then adopted in the following forms:

"The training methods adopted for inland waterway schools and training courses should be the most effective possible having regard to the nature of the courses, the trainees' experience, general education and age, and the demonstration equipment and financial resources available.

Practical training should be an important part of all inland waterway courses, which should include:

- a. use of instructional aids, such as navigational devices, engines, gear of all kinds, commonly encountered on inland waterway vessels;
- b. use of training vessels, attached if possible to the training establishment, for instruction in navigation, ship-handling, engine operation and so on;
- c. films and other audio-visual aids (including simulators), provided these are complementary to and not substitutes for actual equipment ;
- d. visits to inland waterways vessels equipped with modern or special installations.

Provisions may be made for periods of actual employment on board an operating inland waterway vessel or in an engineering shop offering training, directly related to work on inland water craft.

Theoretical training, including general education, given as part of a training course, should be directly related to the knowledge and skills required and should wherever possible be integrated with the practical training provided."

Certificates of Competency

50. The need to issue certificates of competency for certain categories of inland water transport workers was emphasised by various participants. They pointed out that certificates of competency were not only useful for the purpose of ensuring safety of navigation, but also to give proper directives to vocational training and indeed to raise the general level of boatmen's occupations from unskilled jobs to jobs requiring specific well-defined skills.
51. Some participants stated that a distinction should be made between formal certificates of competency which should be issued to the higher categories of boatmen and certificates of qualifications which should apply to the subordinate categories. Some discussion took place over the nature of these lower certificates, while there was general agreement about the contents of the higher certificates.
52. It was pointed out that any definitions adopted in an international instrument should not be binding on governments but should only provide guidelines to them. The definitions should primarily serve the purpose of clarifying the meaning of the terms used in the international instrument by spelling out the functions performed by certain important categories of workers employed on inland waterway vessels.
53. The Meeting considered a set of definitions proposed by the Workers' participants. The proposal, which was finally adopted by the Meeting, stated that a skipper should be defined as a person having command of an inland waterway vessel; a mate as a person exercising subordinate command of an inland waterway vessel, including any person other than a pilot liable at any time to be in charge of the navigation of an inland waterway vessel. A deckhand was defined as a person having the appropriate training and experience for performing work on board an inland waterway vessel; an engineer as a person responsible for the machinery of an inland waterway vessel; a motorman as a person having the appropriate training and experience for handling and maintaining the machinery of an inland waterway vessel; and a fireman as a person conversant with and capable of attending to boilers on an inland waterway vessel.
54. Some participants pointed out that on many inland waterway vessels the functions of deck and engineroom personnel were combined. One person would often be required to perform work in both departments, and the instrument must take account of this. The Meeting agreed with this proposal.
55. After further discussion the Workers' participants submitted a proposal concerning certificates of competency and qualification. This was modified in certain respects and then adopted by the Meeting.
56. The text as adopted read as follows:

"Provision should be made in an international instrument for certificates of competency for skippers, engineers and other categories as well as for documents of qualification for deckhands and other categories to be determined by the national competent authority.

The standards of qualification required for obtaining certificates of competency should be laid down by the competent national authority, in consultation with the employers' and workers' organisations concerned, and should comply with the instruments to be adopted by the I.L.O concerning minimum age of admission and vocational training. The minimum age requirements should be:

- for engineers and firemen: 18 years;

- for skippers: 21 years subject to a period of practical experience in the industry to be determined by the competent national authority.

Qualifications for admission to examinations should be laid down by the competent national authority in consultation with the employers' and workers' organisations concerned. They should comply with the instruments to be adopted by the I.L.O. concerning minimum age of admission and vocational training and should include, among other thing

- Skippers and mates: theoretical subjects relating to the navigation and handling of vessels on inland waterways, knowledge of laws and regulations concerning navigation on inland waterways. Practical navigation including where applicable the use of electronic and other aids to navigation. Safe working practices, including safety in the use of cargo-handling and other gear on board inland waterway vessels. Knowledge of radio communication.
- Deckhands: theory and practice of navigation on inland waterways, boat-handling, cargo-handling, safe working practices.
- Engineers: theory, operation, maintenance and repair of the types of propulsion machinery and auxiliary equipment in use on inland waterway vessels. Theory and practice of operating and maintaining electrical equipment in use on inland waterway vessels. Engineering and safety precautions.
- Motormen: attendance and maintenance of propulsion and auxiliary machinery in use on inland waterway vessels.
- Firemen: attendance to ships' boilers on inland waterway vessels.
- All categories should receive instruction in life-saving and fire-fighting procedures and appliances as well as swimming.

The nature of the examination and the bodies which should hold them should be determined by the competent national authority in consultation with the employers' and workers' organisations concerned; in determining these questions this authority should comply with the instrument to be adopted by the I.L.O. concerning vocational training.

The responsibility for taking measures to ensure enforcement of the provisions concerning certificates of competency and qualifications should rest with the competent national authority. It includes maintaining an appropriate inspection service for satisfying itself that such a service is carried out, The measures taken should include the imposition of sanctions for non-observance."

Adoption of Draft Resolution

57. At its ninth sitting on 30 October 1968 the Meeting unanimously adopted a draft resolution submitted by the Workers' participants. In this resolution the Meeting requested the Governing Body to invite the Director-General to take urgent steps with a view to preparing draft instruments based on the conclusions of the Meeting for adoption by the International Labour Conference. The text of the resolution is given in Annex II.

Adoption of the Report

58. The Meeting considered the draft report on its proceedings at its tenth Sitting and unanimously adopted the report in its present form.

ANNEX I

LIST OF PARTICIPANTS

GOVERNMENT PARTICIPANTS

Argentina:

Mr. Alejandro Cesar EGUIGUREN

Congo (Kinshasa):

Mr. Zacharies LISSASY

Poland:

Mr. Wladyslaw MAGIERA

Switzerland:

Mr. Kurt WALDNER

Thailand:

Mr. Mondhapundha PATTHOON

United Arab Republic:

Mr. Ahmad SOBEIH

United Arab Republic:

Mr. Ahmed Aly FAHIM

EMPLOYERS ' PARTICIPANTS

Mr. Richard BAUER (Austria)

Mr. Wilhelm GIEHL (substitute for Mr. K. Dütemeyer,
Federal Republic of Germany)

Captain Philip HURCOMB (Canada)

Mr. Robert SCHEFFER (France)

Mr. Shanischandra SHETH (India)

(substitute for Mr. W.G.A. de Meester (Netherlands))

Mr. Abu TALIB (Pakistan)

WORKERS' PARTICIPANTS

Mr. Peter BOCKER (United States)

Mr. Makhan CHATTERJEE (India)

Mr. Hans DIERS (Federal Republic of Germany)

Mr. L.N. LIPATOV (U.S.S.R.)

Mr. Anson PEHAM (Austria)

Mr. Drago' ZERJAL (Yugoslavia)

Workers' Advisers

Mr. Hermann MOLLERS (Federal Republic of Germany)

Mr. Robert SANTLEY (International

Transport Workers' Federation)

Mr. Valery KIROV (U.S.S.R.)

OBSERVERS

Commission of the European Communities:

Mr. P.W. STON

ANNEX II

RESOLUTION

(Adopted unanimously at the ninth sitting)

The I.L.O. Meeting on Conditions of Work in the Inland Water Transport Industry, having met in Geneva from 22 to 30 October 1968, and having considered and made recommendations concerning the four aspects of the conditions of work of the inland water transport industry (minimum age for admission to employment, medical examination, vocational training and certificates of competency) referred to it by the Governing Body of the I.L.O.;

REFERS to the various instruments which have been adopted by the I.L.O. concerning minimum age of admission to employment, medical examination, vocational training and certificates of competency;

CONSIDERS that there is an urgent need for the adoption of international minimum standards on these subjects also for the inland water transport industry;

THEREFORE REQUESTS the Governing Body to invite the Director-General to take urgent steps with a view to the preparation and adoption of international instruments on the four subjects in question; and

RECOMMENDS that the instruments be based on the conclusions reached by the Meeting as set out in its report.

► PART 5. RHINE SPECIFIC MEETINGS CONVENED BY THE ILO

Note:

There were three Rhine meetings convened by the ILO.

The first meeting was convened with a first session in 1950 and a second a final session in 1954 and adopted a Final act Protocol and agreement concerning social security and conditions of employment on Rhine boatmen.

The second meeting was convened in 1961 and adopted revisions to the initial Agreement (Governmental Conference on the Revision of the Agreement of 27 July 1950 concerning the Social Security of Rhine Boatmen).

The third and last meeting of 1979 was on Final Adoption of a Second Revised Agreement concerning the Social Security of Rhine Boatmen.

Thereafter, it was agreed that the management and future negotiations would be taken over by the Central Commission for the Navigation of the Rhine.

Currently, with regard to Rhine boatmen residing within the territory of the European Union, the Agreement was superseded by the entry into force of Regulation 883/2004. With regard to Rhine boatmen residing outside the territory of the European Union, the Agreement continues to apply within all contracting States. More information on the effects on the Rhine Agreement [here](#).

1950-1954: Final act Protocol and agreements concerning social security and conditions of employment on Rhine boatmen

Agreement (No. 1) concerning Social Security of Rhine Boatmen

The Federal- Republic of Germany, the kingdom of Belgium, the French Republic, the kingdom of the Netherlands, United Kingdom of Great Britain and Northern Ireland, the Swiss Confederation, having resolved to conclude an Agreement concerning the social security of Rhine boatmen, and having for that purpose appointed plenipotentiaries whose full powers have been found in good and due form, have agreed on the following:

PART I. GENERAL PROVISIONS

Article 1

1. The present Agreement shall apply to all employed workers, and workers treated as such by virtue of the applicable national laws and regulations, who are nationals of the contracting countries or of the other countries represented on the Central Commission for Rhine Navigation or who are Stateless persons, and who are members of the crews of vessels which are used commercially in Rhine navigation and hold certificates under Article 22 of the revised Convention on Rhine Navigation, signed at Mannheim on 17 October 1868, having regard to the subsequent modifications of that instrument, and to its administrative regulations. These persons are hereinafter referred to as "Rhine boatmen."
2. This Agreement shall not apply to members of the crews-
 - a. Of sea-going vessels recognised as such by the laws and regulations of the country whose flag the vessel flies;
 - b. Of vessels used exclusively or almost exclusively in inland ports or sea-ports.

Article 2

This Agreement shall apply to all existing or future laws and regulations relating to –

- a) Sickness, maternity and death (death grant);
- b) Invalidity (pensions);
- c) Old age and death (pensions);
- d) Unemployment injury;
- e) Unemployment; and
- f) Family allowances.

Article 3

For the purposes of the laws and regulations referred to in Article 2; each contracting country shall as its own nationals Rhine boatmen (and the members of their families as defined by national laws and regulations), subject to the provisions of Articles 4 and 13 below

Article 4

1. Every Rhine boatman shall be subject, as regards the contingencies referred to in Article 2 taken together, to the laws and regulations of one and of the contracting countries.
2. The national laws and regulations applicable under the preceding paragraph shall be those of the country in which the undertaking has its head office. Where the undertaking has a branch or a permanent agency in one or more of the contracting countries other than that in which it has its head office, such branch or permanent agency

may, by agreement among the administrative authorities of these countries, be deemed to be an independent undertaking for the purpose of determining the national laws and regulations applicable.

3. If the owner operates his vessel himself and if his undertaking does not have its head office in a contracting country, the laws and regulations applicable to the members of the crew shall be those of the contracting country in which the owner has his legal domicile. If the owner does not have his legal domicile in a contracting country, the laws and regulations applicable shall be those of the contracting country of which he is a national.

Article 5

When a Rhine boatman ceases to be liable to compulsory insurance, he may apply for entry into any voluntary insurance in his country of residence, subject to the same conditions and within the same period as an insured person who ceases to be compulsorily insured in that country. The insurance periods credited in the other contracting countries shall be taken into account for this purpose in the same way as insurance periods credited under the laws and regulations of the country of residence.

PART II. SPECIAL PROVISIONS RELATING TO THE DIFFERENT RISKS

Section 1. Sickness, Maternity and -Death (Death Grant)

Article 6

1. In the case of Rhine boatmen who have been insured successively or alternately under the schemes of two or more contracting countries, periods spent under all such schemes and equivalent periods shall, in so far as they do not overlap, be aggregated for the purposes both acquisition of the right to benefit and of the maintenance or recovery of such right. Nevertheless, periods credited in a contracting country in an occupation other than that of Rhine boatman shall be aggregated for the purposes of this Article only if the insured person has worked as a Rhine boatman in that country during the reference period, or the qualifying period, prescribed by the laws or regulations of the country which grants the benefit.
2. The benefits due in case of sickness shall be at the cost of the institution of the scheme which was competent for the insured person at the date when the complaint was first medically certified.
3. Maternity benefits shall be at the cost of the institution of the scheme which was competent for the insured person at the presumed date of conception. If this date cannot be determined, it shall be deemed to be that corresponding to the 270th day preceding the birth.
4. The death grant shall be at the cost of the institution of the scheme which was competent for the Rhine boatman at the time of his death.

Article 7

1. The benefits in kind to which a Rhine boatman falling ill in a contracting country other than that of the institution with which he is insured is entitled shall be furnished by the sickness insurance institution of the place where he is staying.
2. A Rhine boatman who falls ill in the territory of a contracting country other than that of his residence, and who returns to this latter country during his illness, shall be entitled to the benefits in kind furnished by the sickness insurance institution of his place of residence only if the insurance institution competent for him gives its prior consent to his return.
3. Benefits in kind to which family members are entitled when they reside in the territory of a contracting country other than their country of insurance shall be furnished by the sickness insurance institutions of their country of residence.
4. In the cases referred to in the preceding paragraphs, the appropriate provisions of laws and regulations shall be those applying to the institution furnishing benefit.
5. The institution with which the person concerned is insured shall refund the actual cost of benefits in kind to the institution which furnished them. The administrative authorities of the contracting countries may, by an administrative agreement between all the countries, make other arrangements for repayment or renounce their claim to any refund.

Section 2. Invalidity (Pensions)

Article 8

1. In the case of persons who have been insured successively or alternately under the schemes of two or more contracting countries, insurance periods spent under all such schemes and equivalent periods shall, in so far as they do not overlap, be aggregated for the purposes both acquisition of the right to benefit and of the maintenance or recovery of such right. Nevertheless, periods credited in a contracting country in an occupation other than that of Rhine boatman shall be aggregated for the purposes of this Article only if the insured person has worked for at least one year as a Rhine boatman in that country.
2. If the laws or regulations of a contracting country make it a condition for the granting of certain advantages that the periods shall have been spent under a special scheme, only periods spent under the corresponding special schemes of the other countries shall be aggregated for the purposes of granting such advantages. If one of these other countries does not possess a corresponding special scheme, any periods spent under its general scheme in an employment which would have been subject to such special scheme had it existed shall be taken into consideration. These provisions shall apply subject to the provisions of the preceding paragraph.
3. If the rate of the invalidity pension varies according to the duration of insurance, all the periods referred to in the preceding paragraphs shall, in calculating the rate, be taken into account in accordance with the Laws and regulations applied by the institution which awards the pension.
4. If the laws or regulations of a contracting country base the calculation of the invalidity pension on an average wage, an average contribution, or an average increment, any such average shall, for the purpose of calculating the invalidity pension to be charged to the institution of such country, be determined with reference solely to insurance periods spent under the laws or regulations of such country.

Article 9

1. Invalidity pensions shall be awarded, in accordance with the laws and regulations applying to the person concerned at the time of the accident or when it is first medically certified that he is suffering from an illness leading to invalidity, by the institution which is competent under such laws and regulations.
2. Nevertheless, if, at the beginning of the calendar quarter during which the illness occurred, the invalid person had not been insured for at least one year under the laws and regulations referred to in paragraph 1, and if, having regard to the provisions of Article I, he fulfils the conditions required for entitlement to an invalidity pension under the laws and regulations of another contracting country under the scheme of which he was previously insured, he shall receive from the competent institution of such other country the invalidity pension provided by the laws and regulations of that country. If, by application of these provisions, an insured person is entitled to a pension under the laws and regulations of two or more contracting countries other than the one to the laws and regulations of which paragraph 1 refers, the laws and regulations under which he was last insured shall alone apply.
3. The provisions of paragraph 2 above shall not apply where the invalidity is the result of an accident.
4. The invalidity pension shall be entirely at the cost of the institution referred to in paragraph 1 or 2 above.
5. The provisions of paragraphs 1, 2, 3 and 4 of this Article may be derogated from by agreements between two or more contracting countries and in virtue of which invalidity pensions, or parts of pensions, to be charged to the institutions of each of these countries shall be determined in accordance with the provisions of Article of the present Agreement.

Article 10

1. Invalidity pensions shall be converted, if the case arises, into an old-age pension in accordance with the conditions provided by the laws and regulations under which it has been awarded. In case of such conversion, the provisions of Section 3 below shall apply.
2. German invalidity pension shall be deemed in all cases to be an old-age pension as from age 65 for the purposes of this Agreement.

Section 3. Old-Age and Death (Pensions)Article 11

1. In the case of persons who have been insured successively or alternately under the schemes of two or more contracting countries, periods spent under all such schemes and equivalent periods shall, in so far as they do not overlap, be aggregated for the purposes both of the acquisition of the right to benefit and of the maintenance or recovery of such right. Nevertheless, period credited in a contracting country in an occupation other than that of Rhine boatman shall be aggregated for the purposes of this Article only if the insured person has worked for at least one year as a Rhine boatman in that country.
2. If the laws or regulations of a contracting country make it a condition for the granting of certain advantages that the periods shall have been spent under a special scheme, only periods spent under the corresponding special schemes of the other countries shall be aggregated for the purpose of granting such advantages. If one of these other countries does not possess a corresponding special scheme, any periods spent under its general scheme in an employment which would have been subject to such special scheme had it existed shall be taken into consideration. These provisions shall apply subject to the provisions of the above paragraph.
3.
 - i. The benefits to which an insured person may be entitled under old-age and death (pensions) insurance in virtue of the laws and regulations of a contracting country shall be determined, in principle, by calculating the amount of the benefits to which he would be entitled if the aggregate of the insurance periods referred to in paragraph 1 had been spent under the laws and regulations of each contracting country in which he has been insured.
 - ii. The appropriate institution of each contracting country shall determine according to its own laws and regulations whether the insured person fulfils the conditions required for entitlement to benefit by such laws and regulations, taking account of the aggregate of the insurance periods.
 - iii. This institution shall first calculate the rate of the benefit to which the person concerned would be entitled if all insurance periods aggregated had been spent solely under its own laws and regulations, and shall then fix the rate of benefit due in proportion to the duration of the periods spent under such laws and regulations.
4. If the laws or regulations of a contracting country base the calculation of benefits on an average wage, an average contribution, or an average increment, any such average shall, for the purpose of calculating the benefit for which the institution of such country is liable, be determined with reference solely to insurance periods spent under the laws or regulations of such country.
5.
 - i. If the insured person fulfils the conditions required for entitlement to benefit under the laws and regulations of two or more contracting countries, and if the benefit which he can claim under the laws and regulations of one of these countries is greater than the total of the benefits which would result from the application of the previous paragraphs of this Article, he shall be entitled to receive a complementary benefit equal to the difference from the institution of that one country.
 - ii. If the person concerned is entitled to complementary benefits in two or more countries, he shall receive only the highest such benefit. The cost thereof shall be shared between the institutions of the said countries in proportion to the complementary benefit which each would otherwise have had to pay.
6.
 - i. At the time when his right to a pension becomes established, the insured person may renounce the advantages conferred by the provisions of the preceding paragraphs. The benefits to which he may be entitled under the laws and regulations of each contracting country shall then be awarded by each of the institutions without regard to the insurance periods spent in the other countries.
 - ii. If, when the aggregate of the periods referred to in paragraph 1 has been taken into account, the person concerned does not fulfil the conditions required by the laws and regulations applicable to him at the same

time, his right to a pension shall be established under the laws and regulations of each country as and when he fulfils these conditions.

Article 12

Whenever the insurance periods and equivalent periods spent in one contracting country do not together amount to 26 weeks (or six months or two quarters), such periods shall not confer any right to benefit from the institution of that country. Nevertheless, such periods shall be taken into account under paragraphs 1 and 2 of Article 11, but shall be disregarded when calculating the benefit according to the provisions of paragraph 3 of that Article.

Article 13

1. As regards Switzerland, the provisions of Article 11 are derogated from in the conditions and within the limits laid down in the following paragraphs.
2. In the determination of pension rights and the calculation of pensions, Swiss institutions will not take into account insurance periods spent in contracting countries other than Switzerland.
3. Insurance periods spent in Switzerland will not be taken into consideration by the institutions of other contracting countries for the purpose of establishing the right to the benefits of old-age insurance.
4. Rhine boatmen who are not Swiss nationals and to whom Swiss laws and regulations are applicable in virtue of the provisions of Article 4 shall benefit, in whatever country they reside, from the Federal Act respecting old-age and survivors' insurance of 20 December 1949 and from the administrative regulations and orders pertaining thereto, except for provisions concerning voluntary insurance, under the same conditions as Swiss nationals, subject to the following reservations and modalities:
 - a. Article 40 of the above-mentioned Federal Act, dealing with the reduction of pensions, shall not apply to them;
 - b. they shall be entitled to the ordinary old-age pensions provided by the above mentioned Federal Act if, at the time of the occurrence of the event insured against, they have paid contributions to Swiss insurance during a total period of at least five whole years or have lived for a total of ten years in Switzerland and during this time have paid contributions to Swiss insurance during a total of at least one whole year;
 - c. in case of the death of an insured person who has fulfilled the conditions prescribed under (b) above, the survivors shall be entitled to the ordinary pensions provided by the above-mentioned Federal Act; and
 - d. insured persons or their survivors who, at the time when the event insured against occurs, are not entitled to any pension under Swiss insurance, shall be entitled to the refund of the contributions paid by the insured person and his employer; when they have received the refund of such contributions, they can assert no further right in respect of Swiss insurance.

Section 4. Employment Injury

Article 14

1. A person who meets with an employment injury in a contracting country other than the country in which he is covered, may apply to the institution of employment injury insurance or sickness insurance of the country in which he finds himself for all necessary medical care. In such cases, the provisions of paragraphs 1, 2, 4 and 5 of article 7 shall also apply.
2. In Belgium, benefits in kind shall be furnished, through the national Sickness and Invalidity Insurance Fund, in particular by the regional offices for sickness and invalidity insurance.

Article 15

For the purpose of ascertaining the total degree of incapacity in the event of successive employment injuries, earlier injuries in respect of which compensation is or would be payable under the laws and regulations of another contracting country shall be taken into consideration in the same manner as injuries covered by the laws and regulations applying to the injured person in respect of the latest injury.

Section 5. Miscellaneous Provisions

Article 16

1. Cash benefits shall not be liable to any reduction or to suspension by reason of the fact that the beneficiary resides in the territory of another contracting country.
2. At the request of a beneficiary who resides in a contracting country, the institution in the country of his residence may undertake to furnish benefit in cash for which the insurance institution of another contracting country is liable under conditions agreed between the institutions.

Article 17

1. The provisions of the laws and regulations of a contracting country permitting a reduction or suspension of benefit if the person concerned has concurrent rights to other social security benefits or is in employment may be applied to a beneficiary in respect of benefits payable under a Scheme of another contracting country or in respect of employment in the territory of another contracting country.
2. Nevertheless, provisions permitting a reduction or suspension in the case of concurrent benefits in respect of the same contingency shall not apply to pensions the right to which is acquired under the provisions of Articles 11 and 13.

Article 18

If a person in receipt of a pension resides in a contracting country other than that in which the institution liable for the pension is located, benefits in kind shall be furnished by the institution of his place of residence on condition that the laws and regulations of both countries furnish such care to their pensioners. If the pension is due from one country only, the cost of the benefits in kind shall be borne by that country. If the pension is due from two or more countries, the cost of these benefits shall be borne by the country in which the insured person has spent the longest time in pension insurance.

Article 19

1. For insured persons who were covered by compulsory insurance in a contracting country before the age of 35, the age of 35 referred to in Article 33 of the Netherlands Invalidity Act shall be replaced by the age of 65, and the amount of 3,000 florins provided by Article 4 of that Act shall be replaced by the amount of 4,500 florins.
2. In a case where the preceding paragraph is applicable, Article 372 of the Netherlands Invalidity Act shall not apply to an insured person who has never been compulsorily covered by that Act, and who is over the age of 35; for the purposes of the application of Article 75 of that Act, compulsory insurance is deemed to have commenced at the age of 35.

Article 20

in cases where the benefit is made up of parts due from institutions of two or more contracting countries, the claimant need submit his claim to only one of the institutions with which he has been insured. If the claimant resides in a contracting country other than the country where he has been insured, he may submit his claim to the institution competent for his place of residence. In each of these cases, the institution referred to shall notify the other institutions mentioned in the claim.

PART III. ADMINISTRATIVE PROVISIONS

Article 21

1. The authorities and social security institutions of each contracting country shall afford assistance to those of other contracting countries to the same extent as if they were applying their own laws and regulations relating to social security.
2. Mutual assistance by the authorities and social security institutions in administrative matters shall, as a rule, be furnished free of charge, but such authorities and institutions may agree as to the repayment of certain expenses.

Article 22

1. Any exemption from fees, stamp duty or legal dues in connection with registration granted by the laws or regulations of a contracting country in respect of documents to be furnished to its authorities or social security institutions shall be extended to the corresponding documents to be furnished to the authorities or social security institutions of any other contracting country.
2. The requirement of legitimation by the diplomatic and consular authorities shall be waived in respect of all certificates, documents and papers to be furnished for the purposes of this Agreement.

Article 23

Appeals that should have been lodged within a prescribed period with an authority or body competent in appeals relating to social security in one of the contracting countries shall be admissible if they are lodged within the same period with a corresponding authority or body in another contracting country. In such cases, the latter authority or body shall transmit the appeal without delay to the competent authority or body. If the competent authority or body is not known to the authority or body with which an appeal has been lodged, the appeal may be passed on through the channels of the administrative authorities of the contracting countries.

Article 24

1. There shall be established an "Administrative Centre for the Social Security of Rhine Boatmen" charged with the duty of -
 - (a) assisting the persons interested in the application of this Agreement, in particular Rhine boatmen and members of their families, who may experience difficulties in obtaining the benefits of the provisions of this Agreement; and
 - (b) approaching the competent authorities with a view to solving individual questions in a practical manner.
1. (i) The Administrative centre shall consist, for each of the contracting States, of two representatives of the Government, one representative of the employers concerned and one representative of the Rhine boatmen. It shall adopt 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 industrial organisations which are most representative of the employers or workers covered by this Agreement.
2. The headquarters of the administrative Centre shall be located at the headquarters of the Central Commission for Rhine Navigation.
3. The secretariat of the Administrative Centre shall be provided by the Secretariat-General of the Central Commission for Rhine Navigation. The Secretary entrusted with the secretarial duties for the Administrative Centre shall be appointed in agreement between the Administrative Centre and the Central Commission for Rhine Navigation.

Article 25

Each of the contracting countries may establish on its territory a liaison office which shall be used by the administrative Centre for the purpose of approaching the competent bodies in this country and whose function shall be to help the persons interested in the application of this Agreement.

Article 26

The documents issued by the Administrative Centre for the Social Security of Rhine boatmen shall enjoy the same protection and privileges as other social security documents issued by the authorities of the contracting countries.

Article 27

The necessary measures for the application of the present Agreement shall be determined, as occasion arises, by administrative arrangements between the competent authorities of the contracting countries.

PART IV, INTERPRSTATION OF THE AGREEMENT

Article 28

1. Any dispute which arises between two or more contracting countries concerning the interpretation or application of this Agreement shall be settled by means of direct negotiations between the Governments concerned.
2. If the dispute cannot be so settled within a period of three months from the beginning of negotiations, it shall be submitted to a permanent arbitral body consisting of one member appointed by each of the contracting countries. The arbitral body shall be set up within three months from the date on which this Agreement comes into force, and it shall determine its own rules of procedure.
3. The decisions of the arbitral body shall be reached in accordance with the fundamental principles and in the in accordance with the fundamental principles and in the spirit of this Agreement. Such decisions shall be binding.

PART V. TRANSITIONAL AND FINAL PROVISIONS

Article 29

1. Where, prior to the coming into force of this Agreement, a pension has not been awarded, or the payment of a pension has been suspended, in a contracting country, on account of the residence of the person entitled thereto in the territory of another contracting country, the pension shall be awarded, or the payment of the pension resumed as from the date of the coming into force of this Agreement subject to the following conditions:
 - a. that the contingency occurred during employment as a Rhine boatman, in the case of employment injury pensions; and
 - b. that the insured person concerned has been insured for at least five years in respect of employment as a Rhine boatman, in the case of other pensions.
2. The preceding paragraph shall apply only if claims are presented within one year after the date on which this Agreement comes into force.
3. In applying this Agreement, account shall be taken of insurance periods or equivalent periods prior to its coming into force if account would have been taken of such periods if this Agreement had been in force during such periods.
4. Supplementary agreements should fix the conditions and methods according to which previously awarded rights and the rights arising from paragraph 1 of this Article will be reviewed in order to make their award conform to the provisions of this Agreement. The rights which have been settled by a lump-sum payment do not have to be reviewed.

Article 30

1. The denunciation of this Agreement shall not affect the liabilities of the social security institutions in respect of contingencies occurring before the denunciation took effect.
2. Rights in course of acquisition in respect of insurance periods prior to the date at which denunciation takes effect shall not lapse by reason of the denunciation; a supplementary agreement (or, in default thereof, the laws and regulations applying to the institution concerned) should deter-mine the manner in which such rights are to be-maintained for the subsequent period.

Article 31

This Agreement shall be open for signature on behalf of the countries represented on. The Central Commission for Rhine Navigation and shall be subject to ratification,

Article 32

Each instrument of ratification of this Agreement shall be deposited with the Director-General of the International Labour Office who shall register it and who shall notify the countries mentioned in Article 31 of its reception

Article 33

This Agreement shall come into force on the first day of the third month following that during which the last instrument of ratification shall have been deposited by the contracting countries riparian to the Rhine and by Belgium. In respect of every other country represented on the Central Commission for Rhine Navigation, the Agreement shall come into force on the first day of the third month following that during which the instrument of ratification shall have been deposited by that country.

Article 34

1. This Agreement is concluded for a period of three years. It shall be held to be extended thereafter from year to year by tacit agreement subject to the right of each contracting country to denounce it by notification addressed to the Director-General of the international Labour Office, such denunciation shall take effect one year after its notification has been received.
2. If the agreement is denounced by one of the contracting countries riparian to the Rhine or by Belgium it shall cease to apply to the other countries as from the date on which the denunciation takes effect.

Article 35

1. The French text of this agreement shall be authentic. It shall be signed on behalf of the contracting countries and deposited in the archives of the International Labour Office.
2. As soon as this agreement has come into force a certified copy thereof shall be communicated by the Director-General of the International Labour Office to the Secretary General of the United Nations for registration in accordance with the provisions of Article 102 of the Charter of the United with the provisions of Article 102 of the Charter of the United Nation
3. The Director-General of the international Labour Office shall also communicate certified copies of this Agree rent to each country riparian to the Rhine, to Belgium, to the other countries represented on the Central Commission for Rhine Navigation and to the said Commission.
4. Official translations in English, German and Dutch shall be prepared by the International Labour Office and communicated to the countries concerned.

Article 36

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 or denunciation of which he shall have been notified.

Annex

Article 1

The general rule laid down by paragraphs 3 and 4 of Article 11 of the Agreement shall be interpreted as permitting the pension insurance institutions of the Federal Republic of Germany to calculate the benefits for which they are liable by proceeding as follows

- a. benefits or benefit components which vary with the time spent in insurance and are determined with sole regard to the periods spent under German laws and regulations Shall be payable without reduction; and
- b. benefits or benefit components which are determine independently of the time spent in insurance shall be reduced in the ratio of the periods counted for the purpose of reckoning benefits according to German laws and regulations to the total of the periods counted for the purpose of reckoning benefits according to the laws and regulations governing all the institutions concerned

Article 2

For the interpretation of paragraphs 3 and 4 of Article 8 and of paragraphs 3 and 4 of Article 11 of the Agreement, insurance periods or equivalent periods spent in another contracting country shall be deemed to be periods of contribution for the purposes of the laws and regulations of the Netherlands,

(Signed) E. Lambert,

President of the Conference

Done at Paris this 27th day of July 1950 in one original copy in French.

In witness whereof the undersigned, having deposited their respective credentials, have signed this present Agreement.

<u>For Belgium:</u>	Baron F. de Kerchove.
<u>For France:</u>	E. Lambert.
<u>For the Netherlands:</u>	O.H.B. Schoenewald.
<u>For the Federal Republic of Germany:</u>	Scheuble.
<u>For Switzerland:</u>	Saxer.

Agreement (No. 2) concerning conditions of Employment of Rhine Boatmen

The Federal Republic of Germany, the Kingdom of Belgium, the French Republic, the Kingdom of the Netherlands and the Swiss Confederation, having resolved to conclude an Agreement concerning the Conditions of Employment of Rhine Boatmen, and having for that purpose appointed plenipotentiaries whose full powers have been found in good and due form, have agreed on the following:

PART I. SCOPE OF THE AGREEMENT

Article 1

1. This Agreement shall apply on board all vessels employed in the transport of cargo for the purpose of trade authorised for Rhine navigation by virtue of the provisions of Article 22 of the revised Convention on Rhine Navigation signed at Mannheim on 17 October 1868, together with the subsequent modifications to that Convention.
2. This Agreement shall not apply on board -
 - a. vessels employed exclusively or almost exclusively in ports and harbours;
 - b. vessels of less than 15 tons dead weight, excluding tugs;
 - c. sailing vessels;
 - d. passenger vessels carrying not more than 5 tons of cargo;
 - e. sea-going vessels;
 - f. fishing vessels;
 - g. vessels coming under paragraph 1 of Article 1 which are employed in traffic entirely unconnected with Rhine navigation.

Article 2

1. Subject to the exceptions hereinafter provided, this Agreement shall apply to every person who is a member of the crew, and to the skipper when he is employed for wages, of a vessel on board which the Agreement applies.
2. Such persons are hereinafter referred to as "Rhine boatmen".

Article 3

1. Parts IV, V, VIII and IX of this Agreement shall not apply to Rhine boatmen who are -
 - a. owners mentioned in the certificate de visite of the vessels on board which they work;
 - b. relatives of the owner of the vessel on board which they work, that is, the spouse, children, grandchildren, father, mother, grandparents, together with their spouses and relatives by marriage in the same degree as those specified above, provided that they do not work for wages.
2. For the purposes of this Article, the term "owner" shall mean any Rhine boatman who owns not less than one quarter of a vessel or who owns any part of a vessel by inheritance.

Article 4

1. Parts V, VII, VIII and IX of this Agreement shall not apply on board vessels which, during the greater part of the journey, navigate waterways other than the Rhine and which use the Rhine only at the beginning or at the end of their journey.

2. In so far as the collective agreements concerning the Rhine boatmen on board the vessels referred to in paragraph 1 of this Article contain exceptions not provided in Article 8 of this Agreement, these exceptions shall apply.

Article 5

Nothing in this Agreement shall be deemed to prejudice any provision by law, custom or agreement between employers and workers which ensures to the workers on board vessels registered in one of the contracting countries conditions more favourable than those provided in this Agreement.

PART II. MANNING

Article 6

The crews of vessels on board which the provisions of this Agreement apply shall be sufficient for the purposes of -

- a. ensuring safety of navigation; and
- b. giving effect to the provisions of this Agreement.

PART III. NIGHT REST DURING NAVIGATION

Article 7

1. During navigation Rhine boatmen shall be entitled to a period of night rest of not less than -
 - a. 12 hours during the months of November, December, January and February;
 - b. 10 hours during the other months of the year.
2. The periods of night rest prescribed in the preceding paragraph shall fall between 6 p.m. and 8 a.m.
3. Provision may be made, either by a national collective agreement or by national laws and regulations, for the period of night rest prescribed in paragraph 1 above to be replaced by a daily rest period of the same duration, of which, however, not less than seven consecutive hours shall fall between 8 p.m. and 6 a.m.

Article 8

Notwithstanding the provisions of Article 7 of this Agreement, the period of night rest may be curtailed -

- a. by a maximum of two hours when highly perishable goods are being carried;
- b. in order to prevent the spoiling of goods but only when carried in a single-towed or self-propelled vessel;
- c. by the time necessary to pass a lock or by a maximum of two hours when entering or arriving in Belgian and Zeeland tidal ports or when arriving in Dordrecht harbour from Belgium or Zeeland;
- d. in case of accident or distress, flood, storm or sudden danger from ice;
- e. on the day of arrival at the port of final destination, provided that the work of the men on board on that day is not carried on after 10 p.m.;
- f. if it becomes apparent during the voyage that a connection with a sea-going vessel might otherwise be missed;
- g. when travelling above Coblenz, in case of unexpectedly and rapidly falling water level, and for no more than one night in order to avoid ligherage,

PART IV. HOURS OF WORK IN PORT AND AT LOADING AND UNLOADING PLACES

Article 9

1. When a vessel is in port or at any other loading or unloading place the hours of work of the Rhine boatmen on board shall be in accordance with local regulations.

2. However, their normal hours of work shall not exceed 48 in the week or eight in the day except as permitted under the said local regulations.

Article 10

1. When in the course of a single day a vessel travels and loads and/or unloads, the total working time of the Rhine boatmen shall not, except in the case of time worked under the provisions of Article 13, exceed 12 hours.
2. When in the course of a single day a vessel travels and loads and/or unloads for more than eight hours in one or more ports, time worked at loading and unloading in excess of eight hours shall be considered as overtime, provided that the total working time on that day shall not exceed 12 hours.
3. Stops at one or more intermediate ports totalling less than four hours in the same day shall be considered as travelling time.

PART V OVERTIME

Article 11

The time by which the night rest prescribed in Article 7, paragraph 1, is curtailed in accordance with the provisions of Article 8 shall be regarded as overtime for which the Rhine boatmen concerned shall be entitled to compensation in accordance with the provisions of article 14, paragraph 1.

Article 12

Time worked beyond the limits indicated in Article 9, paragraphs 1 and 2, shall be regarded as overtime for which the Rhine boatmen concerned shall be entitled to compensation in accordance with the provisions of Article 14.

Article 13

When a vessel is in port or at any other loading or unloading place, time worked between 7 p.m. and 6 a.m. and time worked on Sundays and on the holidays provided for in Article 15 or in the collective agreements covering the Rhine boatmen concerned, shall be regarded as overtime for which the Rhine boatmen concerned shall be entitled to compensation in accordance with the provisions of Article 14.

Article 14

1. The rate or rates of compensation for overtime shall be those prescribed by national laws or regulations or determined by collective agreement.
2. Collective agreements may provide for compensation by equivalent time off duty, and off the vessel, in lieu of cash payment.

PART VI. HOLIDAYS

Article 15

1. Except in the cases provided in subparagraphs (b), (d) and (f) of Article 8, no Rhine boatman shall be required to work on at least seven public holidays in the course of a year, these days to be determined by each contracting country from among the following eight days: New Year's Day, Easter Sunday, Easter Monday, the First of May, Whit Sunday, Whit Monday, Christmas Day and 26 December.
2. Time worked on these days shall be regarded as overtime for which the Rhine boatmen concerned shall be entitled to compensation in accordance with the provisions of Article 14.
3. Paragraph 1 of this Article shall not apply during the months of May to September inclusive to passenger vessels carrying not more than 100 tons of cargo and engaged in regular service.

PART VII, WEEKLY REST

Article 16

1. Every Rhine boatman shall be entitled to an average of one day's rest for six days worked, to be granted within a period of not more than three months.
2. A day of rest shall be understood to be a period of rest of not less than 24 consecutive hours to be granted immediately after a period of night rest.
3. The weekly rest should as far as possible include 26 Sundays in the year.

Article 17

If the employment of a Rhine boatman is terminated, any rest days to which he is entitled shall be granted within the period of notice to terminate his employment.

PART VIII. ANNUAL HOLIDAYS WITH PAY

Article 18

1. Rhine boatmen shall be entitled to an annual holiday with pay of at least one working day for each month of continuous service in the same undertaking up to 12 working days in the year. This holiday may be claimed only after six months' service.
2. When six or more days of an annual holiday are due, not less than six shall be given in one continuous period.

Article 19

Rhine boatmen who, before having completed six months' service, legally terminate their employment or are discharged through no serious fault of their own, shall be entitled to one working day's paid leave in respect of each complete month of service.

Article 20

The following shall not be deemed to be annual holidays with pay:

- a. interruption of service due to sickness or injury;
- b. periods of compulsory military service; and
- c. the days spent in travelling to and from home if, at the request of the employer, the annual holiday is not taken in one continuous period.

Article 21

1. Every Rhine boatman taking an annual holiday shall receive his usual remuneration in respect of the full period of holiday.
2. The usual remuneration payable in virtue of the preceding paragraph shall be calculated in a manner which shall be prescribed by national laws or regulations or determined by collective agreements.

PART IX, SPECIAL ALLOWANCES

Article 22

Rhine boatmen who remain on board for watch duty shall be entitled, in addition to the compensatory leave due to them in consequence, to a special allowance when the watch is performed on one of the holidays provided for in article 15, or in the collective agreements covering the Rhine boatmen concerned.

Article 23

During the months of June to September, inclusive, Rhine boatmen attending steam engines shall be granted an adequate warm weather allowance.

PART X. INTERPRETATION OF THE AGREEMENTArticle 24

1. Any dispute which arises between two or more contracting countries concerning the interpretation or application of this Agreement shall be settled by means of direct negotiations between the Governments concerned.
2. If the dispute cannot be so settled within a period of three months from the beginning of negotiations, it shall be submitted to a permanent arbitral body consisting of one member appointed by each of the contracting countries. The arbitral body shall be set up within three months from the date on which this Agreement comes into force, and it shall determine its own rules of procedure.
3. The decisions of the arbitral body shall be reached in accordance with the fundamental principles and in the spirit of this Agreement. Such decisions shall be binding

PART XI, APPLICATION OF THE AGREEMENTArticle 25

1. In each contracting country and on board all vessels to which this Agreement applies and which are the property of shipping companies or shipowners with headquarters in the country in question, the Agreement shall be given effect by appropriate measures and particularly by means of collective agreements. Where the shipowner has no headquarters in the country in question his domicile shall be regarded as his headquarters for the purposes of this Article.
2. Each contracting country may supervise the application of this Agreement within its own territory and on board all vessels to which the Agreement applies without distinction of flag or nationality.
3. If a violation of the provisions of the Agreement is detected on the territory of a contracting country by the authorities of that territory, on board a vessel belonging to a shipping company or to a shipowner, whose head office is in another contracting country, the authorities who have noted the violation shall immediately inform the competent authorities of the other country, who shall take appropriate measures.
4. Each contracting country may make special arrangements with another contracting country in order to avail itself of the good offices of the authorities of the latter country for the detection or investigation of violations on board a vessel belonging to the former country which is in the territory of the latter country. These special arrangements may authorise the authorities in question to take action in one or several of the following cases:
 - a. when a complaint is submitted by the country to which the vessel belongs;
 - b. when a complaint is submitted by a Rhine boatman of the vessel in question or by a trade union;
 - c. when a complaint is submitted by an employer or by an organisation of employers.
5. The Government of a non-riparian contracting country on the territory of which is located the head office of a shipping company or a shipowner with a subsidiary office in one of the riparian contracting countries or in Belgium, may make arrangements with the Government of that country in order that the latter Government may act for it, partially or wholly, in the Supervision of the application of this Agreement.

Article 26

Unless it is decided otherwise by collective agreement or by an individual contract of labour, any disputes which may arise between employers and Rhine boatmen, irrespective of the boatman's nationality, shall be settled as follows:

- a. i. If the employer is a shipping company or a ship owner with headquarters in a country riparian to the Rhine or in Belgium the dispute shall be referred for settlement to the competent body in the contracting country in which the headquarters are situated.

- ii. If the employer is a shipping company or a shipowner with headquarters in one of the contracting countries other than a riparian country or Belgium, but with a subsidiary office in one of these countries, the dispute may properly be referred for settlement to the competent body in the contracting country in which the subsidiary office is situated.
- b. If the employer is a shipowner who operates his vessel himself and who has neither headquarters nor a subsidiary office in one of the contracting countries of which he is a national, the dispute shall be referred for settlement to the competent body of the contracting country in which the said owner is domiciled, and if he has no domicile in one of the contracting countries such disputes shall be referred for settlement to the competent body of the contracting country of which he is a national.

PART XII. TRIPARTITE COMMITTEE AND ANNUAL REPORTS

Article 27

1. i. A tripartite committee shall be appointed consisting for each of the contracting countries of two representatives of the Government, one representative of the employers concerned and one representative of the Rhine boatmen concerned. The International Labour Office shall participate in the meetings of the tripartite committee.
- ii. The non-Government representatives shall be appointed by the Governments in agreement with the industrial organisations which are most representative of the employers or rhine boatmen covered by this Agreement.
2. Each contracting country shall prepare an annual report on the application of the Agreement within its territory and shall submit it for examination to the tripartite committee.
3. The tripartite committee shall prepare each year a report containing its observations on the reports of the Governments. The report of the tripartite committee shall be transmitted to each of the contracting Governments, to the International Labour Office and to the Central Commission for Rhine Navigation.
4. The Secretariat-General of the Central Commission for Rhine Navigation shall provide the secretariat of the tripartite committee.
5. The tripartite committee shall determine its own rules of procedure.

PART XIII. FINAL PROVISIONS

Article 28

This Agreement shall be open for signature on behalf of the countries represented on the Central Commission for Rhine Navigation and shall be subject to ratification.

Article 29

Each instrument of ratification of this Agreement shall be deposited with the Director-General of the International Labour Office, who shall register it and who shall notify the countries mentioned in Article 28 of its reception.

Article 30

This Agreement shall come into force on the first day of the third month following that during which the last instrument of ratification shall have been deposited by the contracting countries riparian to the Rhine and by Belgium. In respect of every other country represented on the Central Commission for Rhine Navigation, the Agreement shall come into force on the first day of the third month following that during which the instrument of ratification shall have been deposited by that country.

Article 31

1. This Agreement is concluded for a period of three years. It shall be held to be extended thereafter from year to year by tacit agreement subject to the right of each contracting country to denounce it by notification addressed

to the Director-General of the International Labour Office, Such denunciation shall take effect one year after its notification has been received.

2. If the Agreement is denounced by one of the contracting countries riparian to the Rhine or by Belgium it shall cease to apply to the other countries as from the date on which the denunciation takes effect.

Article 32

1. The French text of this Agreement shall be authentic. It shall be signed on behalf on of the International Labour Office.
2. As soon as this Agreement has come into force a certified copy thereof shall be communicated by the Director-General of the International Labour Office to the Secretary- General of the United Nations for registration in accordance with the provisions of Article 102 of the Charter of the United Nations.
3. The Director-General of the International Labour Office shall also communicate certified copies of this Agreement to each country riparian to the Rhine, to Belgium, to the other countries represented on the Central Commission for Rhine Navigation and to the said Commission.
4. Official translations in English, German and Dutch shall be prepared by the International Labour Office and communicated to the countries concerned.

Article 33

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 or denunciation of which he shall have been notified.

Done at Geneva this 21st of May 1954 in two original copies in French.

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

For Belgium:	Leroy.
For France:	E. Lambert.
For the Netherlands:	W.H.J. van Asch. van Wijck
For the Federal Republic of Germany:	G. Feine. H. Stephany.
For Switzerland	Kaufiran.

1961: Final Act and Agreement Adopted by the Governmental Conference on the Revision of the Agreement of 27 July 1950 concerning the Social Security of Rhine Boatmen

Agreement 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, 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;
- 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; 373
- 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 " 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;
- 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 boatman, 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 denned or taken into account as periods of insurance under the legislation respecting a contributory scheme under which they were completed;
- 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.¹ 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 (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 of 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.

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 PARTIES

I. 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 11 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 1921 (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 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.

1979: Final Adoption of a Second Revised Agreement concerning the Social Security of Rhine Boatmen

Note: The Final Adoption of a Second Revised Agreement concerning the Social Security of Rhine Boatmen is available in French, Dutch and German version. Thus, the version presented below is in French version.

TITRE 1

DISPOSITIONS GENERALES

Article 1

Aux fins de l'application du présent Accord :

- a. le terme "Partie Contractante" désigne tout Etat ayant déposé un instrument de ratification, d'acceptation ou d'adhésion, conformément aux dispositions du paragraphe 2 de l'article 90 ou du paragraphe 2 de l'article 93;
- b. les termes "territoire d'une Partie Contractante" et "ressortissant d'une Partie Contractante" sont définis à l'Annexe I; chaque Partie Contractante notifiera, conformément aux dispositions du paragraphe 1 de l'article 97, tout amendement à apporter à l'Annexe I;
- c. le terme "législation" désigne, pour chaque Partie Contractante, les lois, les règlements et les dispositions statutaires qui sont en vigueur à la date de la signature du présent Accord ou entreront en vigueur ultérieurement sur l'ensemble ou sur une partie quelconque du territoire de chaque Partie Contractante et qui concernent les branches et régimes de sécurité sociale visés aux paragraphes 1 et 2 de l'article 33;
- d. le terme "convention de sécurité sociale" désigne tout instrument bilatéral ou multilatéral qui lie ou liera exclusivement deux ou plusieurs Parties Contractantes, ainsi que tout instrument multilatéral qui lie ou liera au moins deux Parties Contractantes et un autre Etat ou plusieurs autres Etats dans le domaine de la sécurité sociale, pour l'ensemble ou pour partie des branches et régimes visés aux paragraphes 1 et 2 de l'article 3, de même que les accords de toute nature conclus dans le cadre desdits instruments;
- e. le terme "autorité compétente" désigne le ministre, les ministres ou l'autorité correspondante dont relèvent, sur l'ensemble ou sur une partie quelconque du territoire de chaque Partie Contractante, les régimes de sécurité sociale applicables aux bateliers rhénans ;
- f. le terme "institution" désigne l'organisme ou l'autorité chargés d'appliquer tout ou partie de la législation de chaque Partie Contractante ;
- g. le terme "institution compétente" désigne
 - i. s'il s'agit d'un régime d'assurance sociale, soit l'institution à laquelle l'intéressé est affilié au moment de la demande de prestations, soit l'institution de la part de laquelle il a droit à prestations ou il aurait droit à prestations s'il résidait sur le territoire de la Partie Contractante on se trouve cette institution, soit l'institution désignée par l'autorité compétente de la Partie Contractante en cause ;
 - ii. s'il s'agit d'un régime autre qu'un régime d'assurance sociale ou d'un régime de prestations familiales, l'institution désignée par l'autorité compétente de la Partie Contractante en cause;
 - iii. s'il s'agit d'un régime relatif aux obligations de l'employeur concernant des prestations visées au paragraphe 1 de l'article 3, soit l'employeur ou l'assureur subrogé, soit, à défaut, l'organisme ou l'autorité désignés par l'autorité compétente de la Partie Contractante en cause;

- h. le terme "Etat compétent" désigne la Partie Contractante sur le territoire de laquelle se trouve l'institution compétente ;
- i. le terme "résidence" signifie le séjour habituel;
- j. le terme "séjour" signifie le séjour temporaire;
- k. le terme "institution du lieu de résidence" désigne l'institution « habilitée à servir les prestations dont il s'agit au lieu où l'intéressé réside, selon la législation de la Partie Contractante que cette institution applique ou, si une telle institution n'existe pas, l'institution désignée par l'autorité compétente de la Partie Contractante en cause;
- l. le terme "institution du lieu de séjour" désigne l'institution habilitée à servir les prestations dont il s'agit au lieu où l'intéressé séjourne, selon la législation de la Partie Contractante que cette institution applique ou, si une telle institution n'existe pas, l'institution désignée par l'autorité compétente de la Partie Contractante en cause;
- m. le terme "batelier rhénan" désigne un travailleur salarié ou indépendant, ainsi que toute personne assimilée selon la législation applicable, qui exerce son activité professionnelle en qualité de travailleur navigant à bord d'un bâtiment utilisé commercialement à la navigation rhénane et moi du certificat prévu à l'article 22 de la Convention révisée pour la navigation du Rhin, signée à Mannheim le 17 octobre 1868, compte tenu des modifications apportées et à apporter à cet instrument, ainsi que des règlements d'application y relatifs;
- n. le terme "travailleur auxiliaire" désigne un batelier rhénan engagé temporairement pour compléter ou renforcer l'équipage en conformité avec les règlements rhénans ou pour être affecté aux manœuvres dans les ports ;
- o. le terme "membres de famille" désigne les personnes définies ou admises comme telles, ou désignées comme membres du ménage, par la législation qu'applique l'institution chargée du service des prestations ou, dans les cas visés aux alinéas a) et c) du paragraphe 1 de l'article 16. et au paragraphe 6 de l'article 21, par la législation de la Partie Contractante sur le territoire de laquelle elles résident; toutefois, si ces législations ne considèrent comme membres de la famille ou du ménage que personnes vivant sous le toit de l'intéressé, cette condition est réputée remplie lorsque les personnes dont il s'agit sont principalement à la charge de l'intéressé; si ces législations ne permettent pas de déterminer les membres de famille, l'institution du lieu de séjour ou l'institution du lieu de résidence se réfèrent à la législation qu'applique l'institution compétente;
- p. le terme "survivants" désigne les personnes définies ou admises comme telles par la législation au titre de laquelle les prestations sont accordées ; toutefois, si cette législation ne considère comme survivants que les personnes qui vivaient sous le toit du défunt, cette condition est réputée remplie lorsque les personnes dont il s'agit étaient principalement à la charge du défunt ;
- q. le terme "périodes d'assurance" désigne les périodes de cotisation, d'emploi, d'activité professionnelle ou de résidence, telles qu'elles sont définies ou admises comme périodes d'assurance par la législation sous laquelle elles ont été accomplies, y compris, le cas échéant, celles qui n'ont pas été accomplies dans la profession de batelier rhénan, ainsi que toutes périodes assimilées, dans la mesure où elles sont reconnues par cette législation comme équivalentes à des périodes d'assurance;
- r. les termes "périodes d'emploi" et "périodes d'activité professionnelle" désignent les périodes définies ou admises comme telles par la législation sous laquelle elles ont été accomplies, ainsi que toutes périodes assimilées, dans la mesure où elles sont reconnues par cette législation comme équivalentes à des périodes d'emploi ou d'activité professionnelle ;
- s. le terme "périodes de résidence" désigne les périodes définies ou admises comme telles par la législation sous laquelle elles ont été accomplies ;
- t. le terme "prestations" désigne toutes prestations en nature et toutes prestations en espèces, pensions ou rentes, prévues dans l'éventualité considérée, y compris,
 - i. s'agissant des prestations en nature, les prestations visant à la prévention, la réadaptation fonctionnelle et la rééducation professionnelle ;
 - ii. s'agissant des prestations en espèces, pensions ou rentes, tous éléments à charge des fonds publics et toutes majorations, allocations de revalorisation ou allocations supplémentaires, à moins qu'il n'en soit autrement disposé par le présent Accord, ainsi que les prestations destinées à maintenir ou à améliorer la capacité de gain, les prestations en capital qui

peuvent être substituées aux pensions ou rentes et les versements effectués, le cas échéant, à titre de remboursement de cotisations;

- u. i. le terme "prestations familiales" désigne toutes prestations en nature et toutes prestations en espèces, y compris les allocations familiales, destinées à compenser les charges de famille, à l'exception des majorations ou suppléments de pensions ou rentes prévus pour les membres de famille. des bénéficiaires de ces pensions ou rentes;
- ii. le terme "allocations familiales" désigne les prestations périodiques en espèces accordées en fonction du nombre et de l'âge des enfants;
- v. le terme "allocation au décès" désigne toute somme versée en une seule fois en cas de décès, à l'exclusion des prestations en capital visées à l'alinéa t) ii) du présent article;
- w. le terme "à caractère contributif" s'applique aux prestations dont l'octroi dépend soit d'une participation financière directe des personnes protégées ou de leur employeur, soit d'une condition de stage professionnel, ainsi qu'aux législations ou régimes qui accordent de telles prestations dont l'octroi ne dépend ni d'une participation financière directe des personnes protégées ou de leur employeur, ni d'une condition de stage professionnel, sont dites "à caractère non contributif", ainsi que les législations ou régimes qui accordent exclusivement de telles prestations;
- x. le terme "prestations accordées au titre de régimes transitoires" désigne soit les prestations accordées aux personnes ayant dépassé un certain âge au moment de l'entrée en vigueur de la législation applicable, soit les prestations accordées à titre transitoire en considération d'événements survenus ou de périodes accomplies hors des limites actuelles du territoire d'une Partie Contractante ;
- y. le terme "Centre administratif" désigne le Centre administratif de sécurité sociale pour les bateliers rhénans visé à l'article 71.

Article 2

1. Sous réserve de dispositions du paragraphe 2 de L'article 9 et de l'article 54, le présent Accord s'applique, sur le territoire des Parties Contractantes, à toutes les personnes qui sont ou ont été soumises en qualité de bateliers rhénans à la législation de l'une ou de plusieurs des Parties Contractantes, ainsi qu'aux membres de leur famille et à leurs survivants.
2. Le présent Accord ne s'applique pas aux personnes qui exercent leur activité professionnelle à bord :
 - a. d'un bâtiment de mer reconnu comme tel par la législation de l'Etat dont il bat pavillon;
 - b. d'un bâtiment employé exclusivement ou principalement dans un port fluvial ou maritime.

Article 3

1. Le présent Accord s'applique à toutes les législations relatives aux branches de sécurité sociale qui concernent:
 - a. les prestations de maladie et de maternité;
 - b. les prestations d'invalidité;
 - c. les prestations de vieillesse;
 - d. les prestations de survivants;
 - e. les prestations d'accident du travail et de maladie professionnelle;
 - f. les allocations au décès;
 - g. les prestations de chômage;
 - h. les prestations familiales.
2. Le présent Accord s'applique aux régimes généraux et aux régimes spéciaux de sécurité sociale, à caractère contributif ou non contributif, ainsi qu'aux régimes relatifs aux obligations de l'employeur concernant des

prestations visées au paragraphe précédent. Des accords bilatéraux ou multilatéraux entre Parties Contractantes détermineront, dans toute la mesure possible, les conditions dans lesquelles le présent Accord sera applicable aux régimes institués par voie d'accords collectifs rendus obligatoires par décision des pouvoirs publics.

3. Le présent Accord ne s'applique ni à l'assistance sociale et médicale, ni aux régimes de prestations en faveur des victimes de la guerre ou de ses conséquences.

Article 4

1. L'Annexe II mentionne, pour chaque Partie Contractante, les législations et régimes visés aux paragraphes 1 et 2 de l'article 3.
2. Chaque Partie Contractante notifiera, conformément aux dispositions du paragraphe 1 de l'article 97, tout amendement à apporter à l'Annexe II par suite de l'adoption d'une nouvelle législation. Cette notification sera effectuée dans un délai de trois mois à dater de la publication de ladite législation ou, si cette législation est publiée avant la date de ratification ou d'acceptation du présent Accord, à la date de cette ratification ou acceptation.

Article 5

1. Les dispositions du présent Accord ne portent pas atteinte aux obligations découlant d'une convention quelconque adoptée par la Conférence internationale du Travail.
2. Le présent Accord se substitue, en ce qui concerne les personnes - auxquelles il s'applique, à toute convention de sécurité sociale liant :
 - a. soit exclusivement deux ou plusieurs Parties Contractantes ;
 - b. soit au moins deux Parties Contractantes et un ou plusieurs autres Etats, pour autant qu'il s'agisse de cas dans le règlement desquels aucune institution de l'un de ces Etats n'est appelée à intervenir.
3. Nonobstant les dispositions du paragraphe précédent, deux ou plusieurs Parties Contractantes peuvent maintenir en vigueur, d'un commun accord, en ce qui concerne les personnes auxquelles le présent Accord s'applique, les dispositions de conventions de sécurité sociale par lesquelles elles sont liées, en les mentionnant à l'Annexe III, pour autant qu'il s'agisse de dispositions au moins aussi favorables pour les intéressés que celles du présent Accord. Toutefois, le présent Accord est applicable dans tous les cas pour le règlement desquels est appelée à intervenir l'institution d'une Partie Contractante autre que celles qui sont liées par les dispositions maintenues en vigueur conformément à la phrase précédente.
4. Deux ou plusieurs Parties Contractantes liées par des dispositions mentionnées à l'Annexe III peuvent apporter à cette annexe, d'un commun accord, les amendements appropriés en les notifiant conformément aux dispositions du paragraphe 1 de l'article 97.

Article 6

1. Deux ou plusieurs Parties Contractantes peuvent conclure entre elles des accords complémentaires fondés sur les principes du présent Accord.
2. Chaque Partie Contractante notifiera, conformément aux dispositions du paragraphe 1 de l'article 97, tout accord qu'elle viendra à conclure en vertu du paragraphe précédent, ainsi que toute modification ou dénonciation ultérieure d'un tel accord. Cette notification sera effectuée dans un délai de trois mois à dater de l'entrée en vigueur dudit accord ou de sa modification, ou de l'effet de sa dénonciation.

Article 7

1. A moins qu'il n'en soit autrement disposé par le présent Accord, les personnes qui se trouvent à bord d'un bâtiment visé à l'alinéa m) de l'article 1 ou qui résident sur le territoire d'une Partie Contractante, et auxquelles cet Accord est applicable, sont soumises aux obligations et sont admises au bénéfice de la législation de toute Partie Contractante dans les mêmes conditions que les ressortissants de cette dernière Partie.

2. Toutefois, le bénéfice des prestations spéciales à caractère non “ contributif accordées aux personnes qui ne peuvent pas bénéficier des prestations normales peut être subordonné à la condition que l'intéressé ait résidé sur le territoire de la Partie Contractante en cause ou, s'il s'agit de prestations de survivants, que le défunt y ait résidé pendant une durée qui ne peut, selon le cas, être fixée :
 - a. A plus de cinq années consécutives, immédiatement avant la demande de prestations, en ce qui concerne les prestations d'invalidité, ou immédiatement avant le décès, en ce qui concerne les prestations de survivants;
 - b. à plus de dix années entre l'âge de seize ans et l'âge d'admission à pension de vieillesse, dont cinq années consécutives peuvent être exigées immédiatement avant la demande de prestations, en ce qui concerne les prestations de vieillesse.
3. L'Annexe IV mentionne, pour chaque Partie Contractante intéressée, les prestations prévues par sa législation, auxquelles les dispositions du paragraphe précédent sont applicables.
4. Chaque Partie Contractante notifiera, conformément aux dispositions du paragraphe 1 de l'article 97, tout amendement à apporter à l'Annexe IV. Si cet amendement résulte de l'adoption d'une nouvelle législation, la notification sera effectuée dans un délai de trois mois à dater de la publication de ladite législation ou, si cette législation est publiée avant la date de ratification ou d'acceptation du présent Accord, à la date de cette ratification ou acceptation.
5. Les dispositions du paragraphe 1 du présent article ne portent atteinte aux dispositions de la législation d'aucune Partie Contractante, en ce qui concerne la participation des intéressés à l'administration ou aux juridictions de la sécurité sociale.

Article 8

1. Les dispositions de la législation d'une Partie Contractante qui subordonnent l'admission à l'assurance volontaire ou facultative continuée à la résidence sur le territoire de cette Partie ne sont pas opposables aux personnes auxquelles le présent Accord est applicable et qui résident sur le territoire d'une autre Partie Contractante, pourvu qu'elles aient été soumises en dernier lieu à la législation de la première Partie en qualité de batelier rhénan.
2. Si le batelier rhénan demande à être admis à l'assurance volontaire ou facultative continuée en vertu de la législation d'une Partie Contractante qui subordonne l'admission à l'assurance volontaire ou facultative continuée à l'accomplissement de périodes d'assurance, les périodes d'assurance qu'il a accomplies sous la législation de toute autre Partie Contractante sont prises en compte, dans la mesure nécessaire, comme s'il s'agissait de périodes d'assurance accomplies sous la législation de la première Partie.

Article 9

1. A moins qu'il n'en soit autrement disposé par le présent Accord, les prestations en espèces d'invalidité, de vieillesse ou de survivants, les rentes d'accident du travail ou de maladie professionnelle et les allocations au décès acquises au titre de la législation de l'une ou de plusieurs des Parties Contractantes ne peuvent subir aucune réduction, ni modification, ni suspension, ni suppression, ni confiscation, du fait que le bénéficiaire réside sur le territoire d'une Partie Contractante autre que celui où se trouve l'institution débitrice.
2. Les dispositions du paragraphe précédent ne portent atteinte ni aux dispositions de la législation d'une Partie Contractante, ni à celles de toute convention de sécurité sociale liant une Partie Contractante avec un autre Etat, qui prévoient le service des prestations visées audit paragraphe à des bénéficiaires résidant hors du territoire des Parties Contractantes au présent Accord.
3. Toutefois, les dispositions du paragraphe 1 du présent article ne sont pas applicables aux prestations suivantes, dans la mesure où elles sont inscrites à l'Annexe V:
 - a. les prestations spéciales à caractère non contributif accordées aux personnes qui sont incapables de gagner leur vie en raison de leur état de santé;
 - b. les prestations spéciales à caractère non contributif, accordées aux personnes qui ne peuvent pas bénéficier des prestations normales;

- c. les prestations accordées au titre de régimes transitoires;
 - d. les prestations spéciales accordées à titre de secours ou en considération d'une situation de besoin.
4. Chaque Partie Contractante notifiera, conformément aux dispositions du paragraphe 1 de l'article 97, tout amendement à apporter à l'Annexe V. Si cet amendement résulte de l'adoption d'une nouvelle législation, la notification sera effectuée dans un délai de trois mois à dater de la publication de ladite législation ou, si cette législation est publiée avant la date de ratification ou d'acceptation du présent Accord, à la date de cette ratification ou acceptation.
 5. Si la législation d'une Partie Contractante subordonne le remboursement de cotisations à la condition que l'intéressé ait cessé d'être assujéti à l'assurance obligatoire, cette condition n'est pas réputée remplie aussi longtemps que l'intéressé est assujéti à l'assurance obligatoire en application de la législation de toute autre Partie Contractante.

Article 10

Les règles de revalorisation prévues par la législation d'une Partie Contractante sont applicables aux prestations dues au titre de cette législation conformément aux dispositions du présent Accord.

TITRE II

DISPOSITIONS RELATIVES A LA LEGISLATION APPLICABLE

Article 11

1. Le batelier rhénan n'est soumis qu'à la législation d'une seule Partie Contractante.
2. Le batelier rhénan est soumis à la législation de la Partie Contractante sur le territoire de laquelle se trouve le siège de l'entreprise dont relève le bâtiment visé à l'alinéa m) de l'article 1, à bord duquel ce batelier exerce son activité professionnelle. Toutefois, si cette entreprise n'a pas de siège sur le territoire d'une Partie Contractante, le batelier rhénan est soumis à la législation de la Partie Contractante sur le territoire de laquelle se trouve la succursale ou la représentation permanente de ladite entreprise.
3. Le batelier rhénan qui exploite lui-même son bateau est soumis à la législation de la Partie Contractante sur le territoire de laquelle son entreprise a son siège. Si son entreprise n'a pas de siège sur le territoire d'une Partie Contractante, ce batelier rhénan, ainsi que tout autre batelier rhénan qui exerce son activité professionnelle à bord de ce bateau, est soumis à la législation de la Partie Contractante sur le territoire de laquelle se trouve le lieu d'immatriculation ou le port d'attache dudit bateau.
4. Le travailleur auxiliaire est soumis à la législation de la Partie Contractante sur le territoire de laquelle il réside.

Article 12

1. Les dispositions de l'article 11 ne sont pas applicables en matière d'assurance volontaire ou facultative continuée, sauf si, pour l'une des branches de sécurité sociale visées au paragraphe 1 de l'article 3, il n'existe qu'un régime d'assurance volontaire en vertu de la législation de la Partie Contractante en cause.
2. Au cas l'application des législations de deux ou plusieurs Parties Contractantes aurait pour effet d'entraîner l'affiliation à un régime d'assurance obligatoire et de permettre l'admission simultanée à un ou plusieurs régimes d'assurance volontaire ou facultative continuée, l'intéressé est soumis exclusivement au régime d'assurance obligatoire. Toutefois, en matière d'invalidité, de vieillesse et de décès (pensions), il n'est porté atteinte aux dispositions de la législation d'aucune Partie Contractante permettant le cumul d'affiliation à l'assurance volontaire ou facultative continuée en vertu de cette législation et à l'assurance obligatoire en vertu de la législation d'une autre Partie Contractante.
3. Au cas où l'application des législations de deux ou plusieurs Parties Contractantes aurait pour effet de permettre l'admission à deux ou plusieurs régimes d'assurance volontaire ou facultative continuée, l'intéressé ne peut être admis qu'au régime d'assurance volontaire ou facultative continuée de la Partie Contractante sur le territoire de laquelle il réside ou dont il est ressortissant.

Article 13

1. Les autorités compétentes de deux ou plusieurs Parties Contractantes peuvent prévoir, d'un commun accord, des exceptions aux dispositions des articles 11 et 12 en faveur des bateliers rhénans intéressés.
2. En tant que de besoin, l'application des dispositions du paragraphe précédent est subordonnée à une demande des bateliers rhénans intéressés et, le cas échéant, de leurs employeurs. En outre, elle fait l'objet d'une décision par laquelle l'autorité compétente de la Partie Contractante, dont la législation devrait être appliquée, constate que lesdits bateliers rhénans cessent d'être soumis à cette législation pour être effectivement soumis à la législation d'une autre Partie Contractante.

Article 14

Si, en vertu des dispositions du présent titre, un batelier rhénan est soumis à la législation d'une Partie Contractante sur le territoire de laquelle il n'exerce pas d'activité professionnelle ou ne réside pas, cette législation lui est applicable comme s'il exerçait une activité professionnelle ou comme s'il résidait sur le territoire de cette Partie.

TITRE III**DISPOSITIONS PARTICULIERES AUX DIFFERENTES****CATEGORIES DE PRESTATIONS****CHAPTITRE 1****Maladie et maternité**Article 15

3. Si la législation d'une Partie Contractante subordonne l'acquisition, le maintien ou le recouvrement du droit aux prestations à l'accomplissement de périodes d'assurance, l'institution qui applique cette législation tient compte à cet effet, dans la mesure nécessaire, aux fins de totalisation, des périodes d'assurance accomplies sous la législation de toute autre Partie Contractante, comme s'il s'agissait de périodes d'assurance accomplies sous la législation de la première Partie.
4. Si la législation d'une Partie Contractante subordonne l'octroi des prestations en nature aux membres de famille à la condition qu'ils soient personnellement assurés, l'institution qui applique cette législation tient compte, pour l'application du paragraphe précédent aux membres de famille d'un batelier rhénan, des périodes d'assurance accomplies par ce batelier rhénan sous la législation de toute autre Partie Contractante et pendant lesquelles ils étaient membres de la famille dudit batelier.

Article 16

1. Le batelier rhénan qui satisfait aux conditions requises par la législation de l'Etat compétent pour avoir droit aux prestations, compte tenu, le cas échéant, des dispositions de l'article 15, et
 - a. dont l'état vient à nécessiter des prestations au cours d'un séjour sur le territoire d'une Partie Contractante autre que l'Etat compétent, ou
 - b. qui, après avoir été admis au bénéfice des prestations à charge de l'institution compétente, est autorisé par cette institution à transférer sa résidence sur le territoire d'une Partie Contractante autre que l'Etat compétent, ou
 - c. qui est autorisé par l'institution compétente à se rendre sur le territoire d'une Partie Contractante autre que l'Etat compétent, pour y recevoir des soins appropriés à son état, bénéficie :
 - (i) des prestations en nature, servies à la charge de l'institution compétente, par l'institution du lieu de séjour ou de résidence, selon les dispositions de la législation que cette dernière institution applique, comme s'il y était affilié, dans la limite de la durée fixée, le cas échéant, par la législation de l'Etat compétent ;
 - (ii) des prestations en espèces, servies par l'institution compétente, selon les dispositions de la législation qu'elle applique, comme s'il se trouvait sur le territoire de l'Etat compétent. Toutefois,

après accord entre l'institution compétente et l'institution du lieu de séjour ou de résidence, les prestations en espèces peuvent également être servies par l'intermédiaire de cette dernière institution pour le compte de l'institution compétente.

2. a. L'autorisation visée à l'alinéa b) du paragraphe précédent ne peut être refusée que si le déplacement de l'intéressé est de nature à compromettre son état de santé ou l'application d'un traitement médical ;
b. l'autorisation visée à l'alinéa c) du paragraphe précédent ne peut être refusée lorsque les soins dont il s'agit ne peuvent être dispensés à l'intéressé sur le territoire de la Partie Contractante où il réside.
3. Les dispositions des paragraphes précédents du présent article sont applicables par analogie aux membres de la famille d'un batelier rhénan, en ce qui concerne le bénéfice des prestations en nature.

Article 17

1. Le batelier rhénan qui réside sur le territoire d'une Partie Contractante autre que l'Etat compétent et satisfait aux conditions requises par la législation de ce dernier Etat pour avoir droit aux prestations, compte tenu, le cas échéant, des dispositions de l'article 15, bénéficie, sur le territoire de la Partie Contractante où il réside :
 - a. des prestations en nature, servies à la charge de l'institution compétente, par l'institution du lieu de résidence, selon les dispositions de la législation que cette dernière institution applique, comme s'il y était affilié ;
 - b. des prestations en espèces, servies par l'institution compétente, selon les dispositions de la législation qu'elle applique, comme s'il résidait sur le territoire de l'Etat compétent. Toutefois, après accord entre l'institution compétente et l'institution du lieu de résidence, les prestations en espèces peuvent également être servies par l'intermédiaire de cette dernière institution pour le compte de l'institution compétente.
2. Les dispositions du paragraphe précédent sont applicables par analogie aux membres de la famille d'un batelier rhénan qui résident sur le territoire d'une Partie Contractante autre que l'Etat compétent, en ce qui concerne le bénéfice des prestations en nature, pour autant qu'ils n'aient pas droit à ces prestations en vertu de la législation de la Partie Contractante sur le territoire de laquelle ils résident.
3. Si un batelier rhénan ou les membres de sa famille visés aux paragraphes précédents du présent article séjournent sur le territoire de l'Etat compétent, ils bénéficient des prestations en nature selon les dispositions de la législation de cet Etat, comme s'ils résidaient sur son territoire, même s'ils ont déjà bénéficié de telles prestations pour le même cas de maladie ou de maternité avant le début de leur séjour.
4. Si un batelier rhénan ou les membres de sa famille visés aux paragraphes 1 et 2 du présent article transfèrent leur résidence sur le territoire de l'Etat compétent, ils bénéficient des prestations en nature selon les dispositions de la législation de cet Etat, même s'ils ont déjà bénéficié de telles prestations pour le même cas de maladie ou de maternité avant le transfert de leur résidence.

Article 18

1. Les dispositions des paragraphes 1 et 2 de l'article 16 ou du paragraphe 1 de l'article 17 sont applicables, selon le cas, au batelier rhénan devenu chômeur qui satisfait aux conditions requises par la législation de l'Etat compétent auquel incombe la charge des prestations de chômage pour avoir droit aux prestations de maladie ou de maternité, compte tenu, le cas échéant, des dispositions de l'article 15.
2. Les dispositions du paragraphe 3 de l'article 16 ou du paragraphe 2 de l'article 17 sont applicables, selon le cas, aux membres de la famille du batelier rhénan visé au paragraphe précédent.
3. Les dispositions des paragraphes 3 et 4 de l'article 17 sont applicables au batelier rhénan et aux membres de sa famille visés aux paragraphes précédents du présent article.

Article 19

1. Si la législation d'une Partie Contractante prévoit que le calcul des prestations en espèces repose sur un gain moyen, l'institution compétente de cette Partie détermine ce gain moyen exclusivement en fonction des gains constatés pendant les périodes d'assurance accomplies sous ladite législation.

2. Si la législation d'une Partie Contractante prévoit que le montant des prestations en espèces varie avec le nombre des membres de famille, l'institution compétente de cette Partie tient compte également des membres de famille résidant sur le territoire d'une autre Partie Contractante, comme s'ils résidaient sur le territoire de la première Partie.

Article 20

1. Le demandeur de pension ou de rente auquel le présent Accord est applicable et qui satisfait aux conditions requises par la législation d'une Partie Contractante pour avoir droit aux prestations en nature, compte tenu, le cas échéant, des dispositions de l'article 15, ou qui y aurait droit s'il résidait sur le territoire de cette Partie, bénéficie de ces prestations, ainsi que les membres de sa famille, conformément aux dispositions de l'article 16 ou de l'article 17, selon le cas, lorsque les intéressés séjournent ou résident sur le territoire d'une autre Partie Contractante.
2. Les prestations en nature servies en vertu des dispositions du paragraphe précédent sont à la charge de l'institution qui a perçu les cotisations afférentes; au cas où le demandeur de pension ou de rente n'est pas tenu de verser des cotisations pour avoir droit aux prestations en nature, l'institution à laquelle incombe la charge de ces prestations, après liquidation de la pension ou de la rente, en vertu des dispositions de l'article 21, rembourse à l'institution du lieu de séjour ou de résidence le montant des prestations servies.
3. Les dispositions des paragraphes précédents du présent article ne sont pas applicables au demandeur de pension ou de rente ni aux membres de sa famille qui ont droit aux prestations en nature en vertu de la législation de la Partie Contractante à laquelle ils demeurent soumis du fait de l'exercice d'une activité professionnelle ou de la Partie Contractante sur le territoire de laquelle ils résident.
4. Le demandeur de pension ou de rente dont le droit aux prestations en nature découle de la législation d'une Partie Contractante qui oblige l'intéressé à verser lui-même les cotisations afférentes à l'assurance maladie, pendant l'instruction de sa demande de pension ou de rente, cesse d'avoir droit aux prestations en nature, pour lui-même et pour les membres de sa famille, à l'expiration du deuxième mois pour lequel il n'a pas acquitté les cotisations dues.

Article 21

1. Lorsque le titulaire de pensions ou de rentes dues au titre des législations de deux ou plusieurs Parties Contractantes, auquel le présent Accord est applicable, a droit aux prestations en nature au titre de la législation de la Partie Contractante sur le territoire de laquelle il réside, compte tenu, le cas échéant, des dispositions de l'article 15, ces prestations sont servies à ce titulaire et aux membres de sa famille par l'institution du lieu de résidence et à la charge de cette institution, comme s'il était titulaire d'une pension ou d'une rente due au titre de la seule législation de cette dernière Partie.
2. Lorsque le titulaire d'une pension ou d'une rente due au titre de la législation d'une Partie Contractante, ou de pensions ou de rentes dues au titre des législations de deux ou plusieurs Parties Contractantes, auquel le présent Accord est applicable, n'a pas droit aux prestations en nature au titre de la législation de la Partie Contractante sur le territoire de laquelle il réside, il bénéficie néanmoins de ces prestations, ainsi que les membres de sa famille, pour autant qu'il ait droit auxdites prestations en vertu de la législation de la première Partie, ou de l'une des premières Parties, compte tenu, le cas échéant, des dispositions de l'article 15 et de l'Annexe VIII, ou qu'il y aurait droit, s'il résidait sur le territoire de l'une de ces Parties. Les prestations en nature sont servies par l'institution du lieu de résidence, selon les dispositions de la législation qu'elle applique, comme si l'intéressé avait droit auxdites prestations en vertu de cette législation, mais la charge en incombe à l'institution déterminée selon les règles énoncées au paragraphe suivant.
3. Dans les cas visés au paragraphe précédent, la charge des prestations en nature incombe à l'institution déterminée selon les règles suivantes :
 - a. si le titulaire a droit auxdites prestations en vertu de la législation d'une seule Partie Contractante, la charge en incombe à l'institution compétente de cette Partie;
 - b. si le titulaire a droit auxdites prestations en vertu des législations de deux ou plusieurs Parties Contractantes, la charge en incombe à l'institution compétente de la Partie Contractante sous la législation de laquelle le titulaire a accompli la plus longue période d'assurance; au cas où l'application de cette règle aurait pour effet d'attribuer la charge des prestations en nature à

plusieurs institutions, la charge en incombe à celle de la Partie Contractante à la législation de laquelle le titulaire a été soumis en dernier lieu.

4. Lorsque les membres de la famille du titulaire d'une pension ou d'une rente due au titre de la législation d'une Partie Contractante, ou de pensions ou de rentes dues au titre des législations de deux ou plusieurs Parties Contractantes, résident sur le territoire d'une Partie Contractante autre que celle où réside ce titulaire, ils bénéficient des prestations en nature comme si le titulaire résidait sur le même territoire qu'eux, pour autant qu'il ait droit auxdites prestations au titre de la législation d'une Partie Contractante. Ces prestations sont servies par l'institution du lieu de résidence des membres de famille, selon les dispositions de la législation que cette institution applique, comme s'ils avaient droit auxdites prestations en vertu de cette législation, mais la charge en incombe à l'institution du lieu de résidence du titulaire.
5. Si les membres de famille visés au paragraphe précédent transfèrent leur résidence sur le territoire de la Partie Contractante où réside le titulaire, ils bénéficient des prestations en nature selon les dispositions de la législation de cette Partie, même s'ils ont déjà bénéficié de telles prestations pour le même cas de maladie ou de maternité avant le transfert de leur résidence.
6. Le titulaire d'une pension ou d'une rente due au titre de la législation d'une Partie Contractante, ou de pensions ou de rentes dues au titre des législations de deux ou plusieurs Parties Contractantes, qui a droit aux prestations en nature au titre de la législation de l'une de ces Parties, bénéficie de ces prestations, ainsi que les membres de sa famille.
 - a. au cours d'un séjour sur le territoire d'une Partie Contractante autre que celui où ils résident, lorsque leur état vient à nécessiter immédiatement des prestations, ou
 - b. lorsqu'ils ont été autorisés par l'institution du lieu de résidence à se rendre sur le territoire d'une Partie Contractante autre que celui où ils résident, pour y recevoir des soins appropriés à leur état; l'autorisation dont il s'agit ne peut être refusée lorsque ces soins ne peuvent être dispensés à l'intéressé sur le territoire de la Partie Contractante où il réside.
7. Dans les cas visés au paragraphe précédent, les prestations en nature sont servies par l'institution du lieu de séjour, selon les dispositions de la législation qu'elle applique, comme si l'intéressé avait droit auxdites prestations en vertu de cette législation, mais la charge en incombe à l'institution du lieu de résidence du titulaire.
8. Si la législation d'une Partie Contractante prévoit des retenues de cotisation à la charge du titulaire de pension ou de rente pour la garantie des prestations en nature, l'institution de cette Partie, qui est débitrice d'une pension ou d'une rente, est autorisée à opérer ces retenues lorsque la charge des prestations en nature incombe à une institution de ladite Partie en vertu du présent article.
9. Les dispositions des paragraphes précédents du présent article, à l'exception des paragraphes 6 et 7, ne sont pas applicables au titulaire d'une pension ou d'une rente ni aux membres de sa famille qui ont droit aux prestations en nature en vertu de la législation de la Partie Contractante à laquelle ils demeurent soumis du fait de l'exercice d'une activité professionnelle ou de la Partie Contractante sur le territoire de laquelle ils résident.

Article 22

1. Si la législation qu'applique l'institution du lieu de séjour ou de résidence comporte plusieurs régimes d'assurance-maladie ou maternité, les dispositions applicables au service des prestations en nature, dans les cas visés aux paragraphes 1 et 3 de l'article 16, aux paragraphes 1 et 2 de l'article 17, aux paragraphes 1 et 2 de l'article 18, au paragraphe 1 de l'article 20 et aux paragraphes 2, 4 et 6 de l'article 21, sont celles du régime dont relèvent les bateliers rhénans salariés.
2. Si la législation d'une Partie Contractante subordonne l'octroi des prestations en nature à une condition relative à l'origine de l'affection, cette condition n'est pas opposable aux personnes auxquelles le présent Accord est applicable, quelle que soit la Partie Contractante sur le territoire de laquelle elles résident.
3. Si un batelier rhénan ou un titulaire de pension ou de rente s'est vu reconnaître, pour lui-même ou pour un membre de sa famille, le droit à une prothèse, à un grand appareillage ou à d'autres prestations en nature de grande importance par l'institution d'une Partie Contractante avant sa nouvelle affiliation à l'institution d'une autre Partie Contractante, il bénéficie de ces prestations à la charge de la première institution, même si elles sont accordées alors que l'intéressé se trouve déjà affilié à la deuxième institution.

4. Si la législation d'une Partie Contractante subordonne l'octroi des prestations en nature aux membres de la famille d'un batelier rhénan, à un chômeur, à un demandeur ou à un titulaire de pension ou de rente, ainsi qu'aux membres de leur famille, à la condition qu'ils soient personnellement assurés, les dispositions des articles 16, 17, 18, 20 et 21 ne leur sont applicables que s'ils sont affiliés personnellement à une institution de cette Partie qui accorde des prestations correspondantes.

Article 23

1. L'institution compétente est tenue de rembourser le montant intégral des prestations en nature servies pour son compte par l'institution du lieu de séjour ou de résidence en vertu des dispositions du présent chapitre.
2. Aux fins des remboursements dont il s'agit au paragraphe précédent, il ne peut être tenu compte de tarifs supérieurs à ceux qui sont prévus par la législation qu'applique l'institution créancière pour le service des prestations en nature aux ressortissants de la Partie Contractante sur le territoire de laquelle elle se trouve.
3. Les remboursements dont il s'agit au paragraphe 1 du présent article seront déterminés et effectués selon les modalités prévues par l'arrangement administratif visé au paragraphe 1 de l'article 96, soit sur justification des dépenses effectives, soit sur la base de forfaits.
4. Deux ou plusieurs Parties Contractantes, ou leurs autorités compétentes, peuvent convenir d'autres modalités de remboursement ou renoncer, d'un commun accord, à tout remboursement entre les institutions relevant de leur compétence.
5. Les Parties Contractantes notifieront au Centre administratif, dans un délai de trois mois, tout accord conclu entre elles en vertu des dispositions du paragraphe précédent.

CHAPITRE 2

Invalidité, vieillesse et décès (pensions)

Section 1 : Dispositions communes

Article 24

1. Lorsqu'une personne a été soumise successivement ou alternativement aux législations de deux ou plusieurs Parties Contractantes, en qualité de batelier rhénan, cette personne ou ses survivants bénéficient de prestations conformément aux dispositions du présent chapitre, même dans le cas où les intéressés pourraient faire valoir des droits à prestations au titre de la législation de l'une ou de plusieurs des Parties Contractantes sans application desdites dispositions.
2. Toutefois, les dispositions du présent chapitre ne sont applicables que sous réserve des conditions suivantes :
 - a. en ce qui concerne les prestations d'invalidité ou de décès, les bateliers rhénans doivent être assujettis à la législation d'une Partie Contractante au début de l'incapacité de travail suivie d'invalidité ou au moment du décès; sinon, pour bénéficier des prestations d'invalidité ou de décès au titre de la législation de toute Partie Contractante selon laquelle l'octroi de ces prestations est subordonné à l'accomplissement d'une période d'assurance, les personnes dont il s'agit doivent avoir accompli, en qualité de batelier rhénan, des périodes d'assurance d'une durée totale au moins égale à cinq années sous la législation de deux ou plusieurs Parties Contractantes;
 - b. en ce qui concerne les prestations de vieillesse, les intéressés doivent avoir accompli, en qualité de batelier rhénan, des périodes d'assurance d'une durée totale au moins égale à cinq années sous la législation de deux ou plusieurs Parties Contractantes.
3. La durée d'assurance prévue à l'alinéa b) du paragraphe précédent n'est pas requise en cas de transformation d'une pension d'invalidité en pension de vieillesse, conformément aux dispositions de l'article 31.

Section 2 : Invalidité

Article 25

1. Lorsqu' 'une personne a été soumise successivement ou alternativement aux législations de deux ou plusieurs Parties Contractantes en qualité de batelier rhénan et a accompli des périodes d'assurance exclusivement sous des législations selon lesquelles le montant des prestations d'invalidité est indépendant de la durée des périodes d'assurance, cette personne bénéficie des prestations conformément aux dispositions de l'article 27.
2. L'Annexe VI mentionne, pour chaque Partie Contractante intéressée, les législations visées au paragraphe précédent.
3. Chaque Partie Contractante notifiera, conformément aux dispositions du paragraphe 1 de l'article 97, tout amendement à apporter à l'Annexe VI par suite de l'adoption d'une nouvelle législation. Cette notification sera effectuée dans un délai de trois mois à dater de la publication de ladite législation ou, si cette législation est publiée avant la date de ratification ou d'acceptation du présent Accord, à la date de cette ratification ou acceptation.

Article 26

1. Si la législation d'une Partie Contractante subordonne l'acquisition, le maintien ou le recouvrement du droit aux prestations à l'accomplissement de périodes d'assurance, l'institution qui applique cette législation tient compte à cet effet, aux fins de totalisation, des périodes d'assurance accomplies sous la législation de toute autre Partie Contractante, comme il s'agissait de périodes d'assurance accomplies sous la législation de la première Partie.
2. Si la législation d'une Partie Contractante subordonne l'octroi de certaines prestations à la condition que les périodes d'assurance aient été accomplies dans une profession soumise à un régime spécial ou, le cas échéant, dans une profession ou un emploi déterminé, les périodes accomplies sous les législations d'autres Parties Contractantes ne sont prises en compte pour l'octroi de ces prestations que si elles ont été accomplies sous un régime correspondant ou, à défaut, dans la même profession ou, le cas échéant, dans le même emploi. Si, compte tenu des périodes ainsi accomplies, l'intéressé ne satisfait pas aux conditions requises pour bénéficier desdites prestations, ces périodes sont prises en compte pour l'octroi des prestations du régime applicable aux bateliers rhénans.
3. Si la législation d'une Partie Contractante prévoit que la période pendant laquelle une pension ou une rente est servie peut-être prise en considération pour l'acquisition, le maintien ou le recouvrement du droit aux prestations, l'institution compétente de cette Partie tient compte, à cet effet, de la période pendant laquelle une pension ou une rente a été servie au titre de la législation de toute autre Partie Contractante.
4. Si la législation d'une Partie Contractante subordonne l'octroi des prestations en espèces de formation scolaire ou professionnelle et de rééducation professionnelle aux membres de la famille d'un batelier rhénan, à un chômeur, à un demandeur ou à un titulaire de pension ou de rente, ainsi qu'aux membres de leur famille, à la condition qu'ils soient personnellement assurés, ces personnes ne bénéficient de ces prestations que si elles sont affiliées personnellement à une institution de cette Partie qui accorde des prestations correspondantes. Dans ce cas, les dispositions des alinéas a), b) ou c) ii) du paragraphe 1 de l'article 16 et de l'alinéa b) du paragraphe 1 de l'article 17 sont applicables par analogie.

Article 27

1. L'institution de la Partie Contractante dont la législation était applicable au moment où est survenue l'incapacité de travail suivie d'invalidité détermine, selon les dispositions de cette législation, si l'intéressé satisfait aux conditions requises pour avoir droit aux prestations, compte tenu, le cas échéant, des dispositions des paragraphes 1, 2 et 3 de l'article 26.
2. L'intéressé qui satisfait à ces conditions obtient les prestations exclusivement de ladite institution, selon les dispositions de la législation qu'elle applique.
3. L'intéressé qui ne satisfait pas aux conditions visées au paragraphe 1 du présent article bénéficie des prestations auxquelles il a encore droit au titre de la législation d'une autre Partie Contractante, compte tenu, le cas échéant, des dispositions des paragraphes 1, 2 et 3 de l'article 26.
4. Si la législation applicable au moment où est survenue l'incapacité de travail suivie d'invalidité ne prévoit pas l'octroi de prestations d'invalidité, l'intéressé bénéficie des prestations auxquelles il a encore droit au

titre de la législation d'une autre Partie Contractante, compte tenu, le cas échéant, des dispositions des paragraphes 1, 2 et 3 de l'article 26.

5. Si la législation au titre de laquelle les prestations sont dues, conformément aux dispositions des paragraphes 2, 3 ou 4 du présent article, prévoit que le montant des prestations varie avec le nombre des membres de famille, l'institution compétente tient compte également des membres de famille résidant sur le territoire d'une autre Partie Contractante, comme s'ils résidaient sur le territoire de l'Etat compétent.

Article 28

1. Lorsqu'une personne a été soumise successivement ou alternativement aux législations de deux ou plusieurs Parties Contractantes en qualité de batelier rhénan, dont l'une au moins n'est pas du type visé au paragraphe 1 de l'article 25, cette personne bénéficie des prestations conformément aux dispositions de la Section 3 du présent chapitre, qui sont applicables par analogie.
2. Toutefois, l'intéressé qui est atteint d'une incapacité de travail suivie d'invalidité, alors qu'il se trouve soumis à une législation mentionnée à l'Annexe VI, bénéficie des prestations conformément aux dispositions de l'article 27, à la double condition :
 - qu'il satisfasse aux conditions requises par cette législation ou d'autres législations du même type, compte tenu, le cas échéant, des dispositions des paragraphes 1, 2 et 3 de l'article 26, mais sans qu'il doive être fait appel à des périodes d'assurance accomplies sous une législation non mentionnée à l'Annexe VI, et
 - qu'il ne remplisse pas les conditions requises pour l'ouverture du droit à prestations au titre d'une législation non mentionnée à l'Annexe VI.
3. a. Pour déterminer le droit aux prestations en vertu de la législation d'une Partie Contractante, mentionnée à l'Annexe VI, qui subordonne l'octroi des prestations d'invalidité à la condition que l'intéressé ait bénéficié de prestations en espèces de maladie ou ait été incapable de travailler pendant une durée déterminée, lorsque le batelier rhénan, qui a été soumis à cette législation, est atteint d'une incapacité de travail suivie d'invalidité alors qu'il est soumis à la législation d'une autre Partie Contractante, il est tenu compte, sans préjudice des dispositions du paragraphe 1 de l'article 25 :
 - i. de toute période pendant laquelle il a bénéficié de prestations en espèces de maladie ou, au lieu de celles-ci, du maintien de son salaire, pour cette incapacité de travail;
 - ii. de toute période pendant laquelle il a reçu des prestations d'invalidité pour l'invalidité qui a suivi ladite incapacité de travail,

au titre de la législation de la deuxième Partie, comme s'il s'agissait d'une période pendant laquelle des prestations en espèces de maladie lui avaient été servies en vertu de la législation de la première Partie ou pendant laquelle il avait été incapable de travailler au sens de cette législation;

- b. le droit aux prestations d'invalidité s'ouvre au regard de la législation de la première Partie Contractante à partir du moment où s'achève la période d'indemnisation préalable de la maladie ou d'incapacité initiale de travail prescrite par cette législation et, au plus tôt, à la date à laquelle s'ouvre le droit aux prestations d'invalidité ou celle à laquelle cesse le droit aux prestations en espèces de maladie en vertu de la législation de la deuxième Partie Contractante.

Article 29

1. En cas d'aggravation d'une invalidité ayant donné lieu à prestations au titre de la législation d'une seule Partie Contractante, les dispositions suivantes sont applicables :
 - a. si l'intéressé, depuis qu'il bénéficie des prestations, n'a pas été soumis à la législation d'une autre Partie Contractante, l'institution compétente de la première Partie est tenue d'accorder les prestations, compte tenu de l'aggravation, selon les dispositions de la législation qu'elle applique ;
 - b. si l'intéressé, depuis qu'il bénéficie des prestations, a été soumis à la législation de l'une ou de plusieurs des autres Parties Contractantes, les prestations lui sont accordées, compte tenu de

l'aggravation, conformément aux dispositions du paragraphe 1 de l'article 25 ou des paragraphes 1 ou 2 de l'article 28, selon le cas;

- c. dans le cas visé l'alinéa précédent, la date à laquelle le début de l'aggravation a été fixé est considérée comme la date de la réalisation de l'éventualité;
 - d. si, dans le cas visé à l'alinéa b) du présent paragraphe, l'intéressé n'a pas droit à prestations de la part de l'institution d'une autre Partie Contractante, l'institution compétente de la première Partie est tenue d'accorder les prestations, compte tenu de l'aggravation et, le cas échéant, des dispositions des paragraphes 1, 2 et 3 de l'article 26, Selon les dispositions de la législation qu'elle applique.
2. En cas d'aggravation d'une invalidité ayant donné lieu à prestations au titre des législations de deux ou plusieurs Parties Contractantes, les prestations sont accordées, compte tenu de l'aggravation, conformément aux dispositions du paragraphe 1 de l'article 28. Les dispositions de l'alinéa c) du paragraphe précédent sont applicables par analogie.

Article 30

1. Si, après suspension des prestations, leur service doit être repris, il est assuré par l'institution ou par les institutions qui étaient débitrices des prestations au moment de leur suspension, sans préjudice des dispositions de l'article 31.
2. Si, après suppression des prestations, l'état de l'intéressé vient à justifier l'octroi de nouvelles prestations, celles-ci sont accordées conformément aux dispositions du paragraphe 1 de l'article 25 ou des paragraphes 1 ou 2 de l'article 28, selon le cas.

Article 31

1. Les prestations d'invalidité sont transformées, le cas échéant, en prestations de vieillesse, dans les conditions prévues par la législation ou les législations au titre desquelles elles ont été accordées et conformément aux dispositions de la Section 3 du présent chapitre.
2. Lorsque, dans le cas visé à l'article 36, le bénéficiaire de prestations d'invalidité acquises au titre de la législation de l'une ou de plusieurs des Parties Contractantes est admis à faire valoir des droits à prestations de vieillesse, toute institution débitrice de prestations d'invalidité qui ne peuvent encore être transformées en prestations de vieillesse continue de servir à ce bénéficiaire les prestations d'invalidité auxquelles il a droit au titre de la législation qu'elle applique, jusqu'au moment où les dispositions du paragraphe précédent deviennent applicables à l'égard de cette institution.
3. Toutefois si, dans le cas visé au paragraphe précédent, les prestations d'invalidité ont été accordées conformément aux dispositions de l'article 27, l'institution qui demeure débitrice de ces prestations peut appliquer les dispositions de l'alinéa a) du paragraphe 1 de l'article 36, comme si le bénéficiaire desdites prestations satisfaisait aux conditions requises par la législation de la Partie Contractante intéressée pour avoir droit aux prestations de vieillesse, en substituant au montant théorique visé au paragraphe 2 de l'article 33 le montant des prestations d'invalidité dues par cette institution.

Section 3 : Vieillesse et décès (pensions)

Article 32

1. Si la législation d'une Partie Contractante subordonne l'acquisition, le maintien ou le recouvrement du droit aux prestations à l'accomplissement de périodes d'assurance, l'institution qui applique cette législation tient compte à cet effet, aux fins de totalisation, des périodes d'assurance accomplies sous la législation de toute autre Partie Contractante, comme s'il s'agissait de périodes d'assurance accomplies sous la législation de la première Partie.
2. Si la législation d'une Partie Contractante subordonne l'octroi de certaines prestations à la condition que les périodes d'assurance aient été accomplies dans une profession soumise à un régime spécial ou, le cas échéant, dans une profession ou un emploi déterminé, les périodes accomplies sous les législations d'autres Parties Contractantes ne sont prises en compte pour l'octroi de ces prestations que si elles ont été accomplies sous un régime correspondant ou, à défaut, dans la même profession ou, le cas échéant, dans le même emploi. Si,

compte tenu des périodes ainsi accomplies, l'intéressé ne satisfait pas aux conditions requises pour bénéficier desdites prestations, ces périodes sont prises en compte pour l'octroi des prestations du régime applicable aux bateliers rhénans.

3. Si la législation d'une Partie Contractante subordonne l'octroi des prestations à la condition que l'intéressé ou, s'il s'agit de prestations de survivants, le défunt ait été soumis à cette législation au moment de la réalisation de l'éventualité, cette condition est réputée remplie si l'intéressé ou le défunt, selon le cas, était soumis à ce moment la législation d'une autre Partie Contractante ou, à défaut, si l'intéressé ou le survivant peut faire valoir des droits à prestations correspondantes en vertu de la législation d'une autre Partie Contractante. Toutefois, cette dernière condition est censée être remplie dans le cas visé au paragraphe 1 de l'article 35.
4. Si la législation d'une Partie Contractante prévoit que la période pendant laquelle une pension ou une rente est servie peut être prise en considération pour l'acquisition, le maintien ou le recouvrement du droit aux prestations, l'institution compétente de cette Partie tient compte, à cet effet, de la période pendant laquelle une pension ou une rente a été servie au titre de la législation de toute autre Partie Contractante.

Article 33

1. L'institution de chaque Partie Contractante à la législation de laquelle le batelier rhénan a été soumis détermine, selon les dispositions de la législation qu'elle applique, si l'intéressé satisfait aux conditions requises pour avoir droit à prestations, compte tenu, le cas échéant, des dispositions du paragraphe 3 de l'article 28 et de l'article 32.
2. Au cas où l'intéressé satisfait à ces conditions, ladite institution calcule le montant théorique des prestations auxquelles il pourrait prétendre si toutes les périodes d'assurance, accomplies sous les législations des Parties Contractantes en cause et prises en compte conformément aux dispositions de l'article 32, avaient été accomplies uniquement sous la législation qu'elle applique. Toutefois, s'il s'agit de prestations dont le montant est indépendant de la durée des périodes accomplies, ce montant est considéré comme le montant théorique visé au présent paragraphe.
3. Ladite institution fixe ensuite le montant effectif des prestations qu'elle doit à l'intéressé, sur la base du montant théorique calculé conformément aux dispositions du paragraphe précédent, au prorata de la durée des périodes d'assurance accomplies avant la réalisation de l'éventualité sous la législation qu'elle applique, par rapport à la durée totale des périodes d'assurance accomplies avant la réalisation de l'éventualité sous les législations de toutes les Parties Contractantes en cause.
4. Si la durée totale des périodes d'assurance accomplies avant la réalisation de l'éventualité, sous les législations de toutes les Parties Contractantes en cause, est supérieure à la durée maximale requise par la législation de l'une de ces Parties pour le bénéfice des prestations complètes, l'institution compétente de cette Partie prend en considération cette durée maximale, au lieu de la durée totale desdites périodes, pour l'application des dispositions des paragraphes 2 et 3 du présent article, sans que cette méthode de calcul puisse avoir pour effet d'imposer à ladite institution la charge de prestations d'un montant supérieur à celui des prestations prévues par la législation qu'elle applique.
5. Dans les cas où la législation d'une Partie Contractante prévoit que le montant des prestations ou de certains éléments de prestations est proportionnel à la durée des périodes d'assurance accomplies, l'institution compétente de cette Partie peut procéder au calcul direct de ces prestations ou éléments de prestations, en fonction des seules périodes accomplies sous la législation qu'elle applique, nonobstant les dispositions des paragraphes 2 et 3 du présent article.

Article 34

1. Pour le calcul du montant théorique visé au paragraphe 2 de l'article 33 :
 - a. si la législation d'une Partie Contractante prévoit que le calcul des prestations repose sur un gain moyen, une cotisation moyenne, une majoration moyenne ou sur la relation ayant existé, pendant les périodes d'assurance, entre le gain brut de l'intéressé et la moyenne des gains bruts de tous les assurés à l'exclusion des apprentis, ces chiffres moyens ou proportionnels sont déterminés par l'institution compétente de cette Partie sur la base des seules périodes d'assurance accomplies sous la législation de ladite Partie ou du gain brut perçu par l'intéressé pendant ces seules périodes;

- b. si la législation d'une Partie Contractante prévoit que le calcul des prestations repose sur le montant des gains, des cotisations ou de majorations éventuelles, les gains, les cotisations ou les majorations à prendre en compte par l'institution compétente de cette Partie, au titre des périodes d'assurance accomplies sous les législations d'autres Parties Contractantes, sont déterminés sur la base de la moyenne des gains, des cotisations ou des majorations constatés pour les périodes d'assurance accomplies sous la législation de la première Partie;
 - c. si la législation d'une Partie Contractante prévoit que le calcul des prestations repose sur un gain ou un montant forfaitaire, le gain ou le montant à prendre en compte par l'institution compétente de cette Partie, au titre des périodes d'assurance accomplies sous les législations d'autres Parties Contractantes, est égal au gain ou au montant forfaitaire ou, le cas échéant, à la moyenne des gains ou des montants forfaitaires correspondant aux périodes d'assurance accomplies sous la législation de la première Partie;
 - d. si la législation d'une Partie Contractante prévoit que le calcul des prestations repose, pour certaines périodes, sur le montant des gains et, pour d'autres périodes, sur un gain ou un montant forfaitaire, l'institution compétente de cette Partie prend en compte, au titre des périodes d'assurance accomplies sous les législations d'autres Parties Contractantes, les gains ou montants déterminés conformément aux dispositions de l'alinéa b) ou de l'alinéa o) du présent paragraphe, selon le cas; si, pour toutes les périodes accomplies sous la législation de la première Partie, le calcul des prestations repose sur un gain ou un montant forfaitaire, le gain à prendre en compte par l'institution compétente de cette Partie, au titre des périodes d'assurance accomplies sous les législations d'autres Parties Contractantes, est égal au gain fictif correspondant à ce gain ou montant forfaitaire.
2. Si la législation d'une Partie Contractante comporte des règles de revalorisation des éléments pris en compte pour le calcul des prestations, ces règles sont applicables aux éléments pris en compte par l'institution compétente de cette Partie, conformément aux dispositions du paragraphe précédent, au titre des périodes d'assurance accomplies sous les législations d'autres Parties Contractantes.
 3. Si la législation d'une Partie Contractante prévoit que le montant des prestations varie avec le nombre des membres de famille, l'institution compétente de cette Partie tient compte également des membres de famille résidant sur le territoire d'une autre Partie Contractante, comme s'ils résidaient sur le territoire de la première Partie.

Article 35

1. Nonobstant les dispositions de l'article 33, si la durée totale des périodes d'assurance à prendre en considération en vertu de la seule législation d'une Partie Contractante n'atteint pas une année et si, compte tenu de ces seules périodes, aucun droit à prestations n'est acquis en vertu de cette législation, l'institution de cette Partie n'est pas tenue d'accorder des prestations au titre desdites périodes.
2. Les périodes visées au paragraphe précédent sont prises en compte par l'institution de chacune des autres Parties Contractantes en cause pour l'application des dispositions de l'article à l'exception de celles de ses paragraphes 3 et 5.
3. Toutefois, au cas où l'application des dispositions du paragraphe 1 du présent article aurait pour effet de décharger toutes les institutions des Parties Contractantes en cause de l'obligation d'accorder des prestations, l'intéressé reçoit des prestations exclusivement au titre de la législation de la dernière Partie Contractante aux conditions de laquelle il satisfait, compte tenu des dispositions de l'article 32, comme si toutes les périodes visées au paragraphe 1 du présent article avaient été accomplies sous la législation de cette Partie.

Article 36

1. Si l'intéressé ne réunit pas, à un moment donné, les conditions requises par les législations de toutes les Parties Contractantes en cause, compte tenu des dispositions de l'article 32, mais satisfait seulement aux conditions de l'une ou de plusieurs d'entre elles, les dispositions suivantes sont applicables :
 - a. le montant des prestations dues est calculé conformément aux dispositions des paragraphes 2 et 3 ou du paragraphe 5 de l'article 33, selon le cas, par chacune des institutions compétentes qui appliquent une législation dont les conditions sont remplies;
 - b. toutefois,

- i. si l'intéressé satisfait aux conditions de deux législations au moins, sans qu'il soit besoin de faire appel aux périodes d'assurance accomplies sous les législations dont les conditions ne sont pas remplies, ces périodes ne sont pas prises en compte pour l'application des dispositions des paragraphes 2 et 3 de l'article 33;
 - ii. si l'intéressé satisfait aux conditions d'une seule législation, sans qu'il soit besoin de faire appel aux dispositions de l'article 32, le montant des prestations dues est calculé conformément aux dispositions de la seule législation dont les conditions sont remplies et compte tenu des seules périodes accomplies sous cette législation.
2. Les prestations accordées dans le cas visé au paragraphe précédent au titre de l'une ou de plusieurs des législations en cause sont recalculées d'office conformément aux dispositions de l'article 33, au fur et à mesure que les conditions requises par l'une ou plusieurs des autres législations en cause viennent à être remplies, compte tenu, le cas échéant, des dispositions de l'article 32.
 3. Les prestations accordées au titre des législations de deux ou plusieurs Parties Contractantes sont recalculées conformément aux dispositions du paragraphe 1 du présent article, soit d'office, soit à la demande des intéressés, lorsque les conditions requises par l'une ou plusieurs de ces législations cessent d'être remplies.

Article 37

1. Si le montant des prestations auxquelles l'intéressé pourrait prétendre, au titre de la législation d'une Partie Contractante, sans application des dispositions des articles 32 à 36, est supérieur au montant total des prestations dues conformément à ces dispositions, l'institution compétente de cette Partie est tenue de lui servir un complément égal à la différence entre ces deux montants. La charge de ce complément est assumée intégralement par ladite institution.
2. Au cas où l'application des dispositions du paragraphe précédent aurait pour effet d'attribuer à l'intéressé des compléments de la part des institutions de deux ou plusieurs Parties Contractantes, il bénéficie exclusivement du complément le plus élevé.
3. Le complément visé aux paragraphes précédents du présent article est déterminé à titre définitif, sauf le cas où il y aurait lieu de procéder à un nouveau calcul des prestations en application des dispositions du présent chapitre. Ce complément est considéré comme un élément des prestations servies par l'institution débitrice pour l'application des dispositions du paragraphe 1 de l'article 38.

Article 38

1. Si, en raison de l'augmentation du coût de la vie, de la variation du niveau des gains ou d'autres causes d'adaptation, les prestations dues en vertu de la législation d'une Partie Contractante sont modifiées selon un pourcentage ou un montant déterminé, les prestations dues au titre de cette législation, en application des dispositions du présent Accord, sont modifiées directement selon le même pourcentage ou le même montant, sans qu'il y ait lieu de procéder à un nouveau calcul conformément aux dispositions des articles 32 à 37.
2. En revanche, en cas de modification du mode de détermination ou des règles de calcul des prestations, un nouveau calcul est effectué conformément aux dispositions des articles 32 à 37.

Article 39

Les dispositions des paragraphes 1 et 2 de l'article 31 sont applicables par analogie dans les cas où des prestations de conjoint survivant sont transformées en prestations de vieillesse.

CHAPITRE 3

Accidents du travail et maladies professionnelles

Article 40

1. Le batelier rhénan victime d'un accident du travail ou d'une maladie professionnelle,

- a. qui séjourne sur le territoire d'une Partie Contractante autre que l'Etat compétent, ou
 - b. qui, après avoir été admis au bénéfice des prestations à charge de l'institution compétente, est autorisé par cette institution à transférer sa résidence sur le territoire d'une Partie Contractante autre que l'Etat compétent, ou
 - c. qui est autorisé par l'institution compétente à se rendre sur le territoire d'une Partie Contractante autre que l'Etat compétent pour y recevoir des soins appropriés à son état, bénéficie :
 - i. des prestations en nature, servies à la charge de l'institution compétente, par l'institution du lieu de séjour ou de résidence, selon les dispositions de la législation que cette dernière institution applique, comme s'il y était affilié, dans la limite de la durée fixée, le cas échéant, par la législation de l'Etat compétent;
 - ii. des prestations en espèces, servies par l'institution compétente, selon les dispositions de la législation qu'elle applique, comme s'il se trouvait sur le territoire de l'Etat compétent. Toutefois, après accord entre l'institution compétente et l'institution du lieu de séjour ou de résidence, les prestations en espèces peuvent également être servies par l'intermédiaire de cette dernière institution pour le compte de l'institution compétente.
2. a. L'autorisation visée à l'alinéa b) du paragraphe précédent ne peut être refusée que si le déplacement de l'intéressé est de nature à compromettre son état de santé où l'application d'un traitement médical ;
- b. l'autorisation visée à l'alinéa c) du paragraphe précédent ne peut être refusée lorsque les soins dont il s'agit ne peuvent être dispensés. L'intéressé sur le territoire de la Partie Contractante où il réside.

Article 41

1. le batelier rhénan qui réside sur le territoire d'une Partie Contractante autre que l'Etat compétent, victime d'un accident du travail ou d'une maladie professionnelle, bénéficie, sur le territoire de la Partie Contractante où il réside :
- a. des prestations en nature, servies à la charge de l'institution compétente, par l'institution du lieu de résidence, selon les dispositions de la législation que cette dernière institution applique, comme s'il y était affilié;
 - b. des prestations en espèces, servies par l'institution compétente, selon les dispositions de la législation qu'elle applique, comme s'il résidait sur le territoire de l'Etat compétent. Toutefois, après accord entre l'institution compétente et l'institution du lieu de résidence, les prestations en espèces peuvent également être servies par l'intermédiaire de cette dernière institution pour le compte de l'institution compétente.
2. Si le batelier rhénan visé au paragraphe précédent séjourne sur le territoire de l'Etat compétent, il bénéficie des prestations en nature selon les dispositions de la législation de cet Etat, comme s'il résidait sur son territoire, même s'il a déjà bénéficié de telles prestations avant le début de son séjour.
3. Si le batelier rhénan visé au paragraphe 1 du présent article transfère sa résidence sur le territoire de l'Etat compétent, il bénéficie des prestations en nature selon les dispositions de la législation de cet Etat, même s'il a déjà bénéficié de telles prestations avant le transfert de sa résidence.

Article 42

Les dispositions de l'article 40 ou de l'article 41 sont applicables, selon le cas, au batelier rhénan qui, étant devenu chômeur, est victime d'un accident susceptible d'être considéré comme un accident du travail, selon la législation de l'Etat compétent auquel incombe la charge des prestations de chômage.

Article 43

L'accident de trajet survenu sur le territoire d'une Partie Contractante autre que l'Etat compétent est considéré comme étant survenu sur le territoire de l'Etat compétent.

Article 44

1. Lorsque le batelier rhénan victime d'une maladie professionnelle a exercé une activité susceptible de provoquer cette maladie sous la législation de deux ou plusieurs Parties Contractantes, les prestations auxquelles cette victime ou ses survivants peuvent prétendre sont accordées exclusivement au titre de la législation de la dernière desdites Parties aux conditions de laquelle ils satisfont, compte tenu, le cas échéant, des dispositions des paragraphes 2, 3 et 4 du présent article.
2. Si la législation d'une Partie Contractante subordonne le bénéfice des prestations de maladie professionnelle à la condition que la maladie considérée ait été constatée médicalement pour la première fois sur son territoire, cette condition est réputée remplie lorsque cette maladie a été constatée pour la première fois sur le territoire d'une autre Partie Contractante.
3. Si la législation d'une Partie Contractante subordonne explicitement ou implicitement le bénéfice des prestations de maladie professionnelle à la condition que la maladie considérée ait été constatée dans un délai déterminé après la cessation de la dernière activité susceptible de provoquer une telle maladie, l'institution compétente de cette Partie, lorsqu'elle examine à quel moment a été exercée cette dernière activité, tient compte, dans la mesure nécessaire, des activités de même nature exercées sous la législation de toute autre Partie Contractante, comme si elles avaient été exercées sous la législation de la première Partie.
4. Si la législation d'une Partie Contractante subordonne explicitement ou implicitement le bénéfice des prestations de maladie professionnelle à la condition qu'une activité susceptible de provoquer la maladie considérée ait été exercée pendant une certaine durée, l'institution compétente de cette Partie tient compte, dans la mesure nécessaire, aux fins de totalisation, des périodes pendant lesquelles une telle activité a été exercée sous la législation de toute autre Partie Contractante.

Article 45

Lorsque le batelier rhénan victime d'une maladie professionnelle a bénéficié ou bénéficie de prestations à charge de l'institution d'une Partie Contractante et fait valoir, on cas d'aggravation, des droits à prestations auprès de l'institution d'une autre Partie Contractante, les dispositions suivantes sont applicables :

- a. si la victime, depuis l'octroi de ces prestations, n'a pas exercé sous la législation de la seconde Partie une activité susceptible de provoquer ou d'aggraver la maladie considérée, l'institution compétente de la première Partie est tenue d'assumer la charge des prestations, compte tenu de l'aggravation, selon les dispositions de la législation qu'elle applique, même si la victime n'est plus soumise à cette législation ou ne réside pas sur le territoire de cette Partie;
- b. si la victime, depuis l'octroi de ces prestations, a exercé une telle activité sous la législation de la seconde Partie, l'institution compétente de la première Partie est tenue d'assumer la charge des prestations, compte non tenu de l'aggravation, selon les dispositions de la législation qu'elle applique; l'institution compétente de la seconde Partie accorde à l'intéressé un supplément dont le montant est égal à la différence entre le montant des prestations dues après l'aggravation et le montant des prestations qui auraient été dues avant l'aggravation, selon les dispositions de la législation qu'elle applique, si la maladie considérée était survenue sous la législation de cette Partie;
- c. si, dans le cas visé à l'alinéa précédent, la victime n'a pas droit à prestations au titre de la législation de la seconde Partie, l'institution compétente de la première Partie est tenue de servir les prestations, compte tenu de l'aggravation, selon les dispositions de la législation qu'elle applique, même si la victime n'est plus soumise à cette législation ou ne réside pas sur le territoire de cette Partie.

Article 46

1. Si la législation d'une Partie Contractante prévoit que le calcul des prestations en espèces repose sur un gain moyen, l'institution compétente de cette Partie détermine ce gain moyen exclusivement en fonction des gains constatés pendant les périodes d'assurance accomplies sous ladite législation.
2. Si la législation d'une Partie Contractante prévoit que le montant des prestations en espèces varie avec le nombre des membres de famille, l'institution compétente de cette Partie tient compte également des membres de famille résidant sur le territoire d'une autre Partie Contractante, comme s'ils résidaient sur le territoire de la première Partie.

Article 47

1. Si la législation de l'Etat compétent prévoit la prise en charge des frais de transport de la victime, soit jusqu'à sa résidence, soit jusqu'à l'établissement hospitalier, les frais encourus pour le transport de la victime jusqu'au lieu correspondant sur le territoire d'une autre Partie Contractante, où elle réside, sont pris en charge par l'institution compétente, selon les dispositions de la législation qu'elle applique, à condition qu'elle ait donné son agrément audit transport, compte dament tenu des motifs qui le justifient.
2. Si la législation de l'Etat compétent prévoit la prise en charge des frais de transport du corps de la victime jusqu'au lieu d'inhumation, les frais encourus pour le transport du corps jusqu'au lieu correspondant sur le territoire autre Partie Contractante, où résidait la victime, sont pris en charge par compétente, selon les dispositions de la législation qu'elle applique.

Article 48

1. S'il n' existe pas d'assurance contre les accidents du travail ou les maladies professionnelles sur le territoire de la Partie Contractante où la victime se trouve, ou si une telle assurance existe mais ne comporte pas d'institution responsable pour le service des prestations en nature, ces prestations sont servies par l'institution du lieu de séjour ou de résidence responsable pour le service des prestations en nature en cas de maladie dans le régime dont relèvent les bateliers rhénans salariés.
2. Si la législation de l'Etat compétent comporte un régime relatif aux obligations de l'employeur en matière de réparation des accidents du travail, les prestations en nature servies dans les cas visés au paragraphe 1 de l'article 40 et au paragraphe 1 de l'article 41 sont considérées comme ayant été servies à la demande de l'institution compétente.
3. Si la législation appliquée par l'institution du lieu de séjour ou de résidence comporte plusieurs régimes de réparation, les dispositions applicables au service des prestations en nature, dans les cas visés au paragraphe 1 de l'article 40 et au paragraphe 1 de l'article 41, sont celles du régime dont relèvent les bateliers rhénans salariés.
4. Si la législation de l'Etat compétent subordonne la gratuité des prestations en nature à l'utilisation du service médical organisé par l'employeur, les prestations en nature servies dans les cas visés au paragraphe 1 de l'article 40 et au paragraphe 1 de l'article 41 sont considérées comme ayant été servies par un tel service médical.
5. Si la législation d'une Partie Contractante prévoit explicitement ou implicitement que les accidents du travail ou les maladies professionnelles survenus antérieurement sont pris en considération pour l'ouverture du droit à prestations ou pour l'appréciation du degré d'incapacité, l'institution compétente de cette Partie prend également en considération à cet effet les accidents du travail et les maladies professionnelles antérieurement reconnus selon la législation de toute autre Partie Contractante, comme s'ils étaient survenus sous la législation qu'elle applique.

Article 49

1. L'institution compétente est tenue de rembourser le montant intégral des prestations en nature servies pour son compte par l'institution du lieu de séjour ou de résidence en vertu des dispositions du paragraphe 1 de l'article 40, du paragraphe 1 de l'article 41 et de l'article 42.
2. Aux fins des remboursements dont il s'agit au paragraphe précédent, il ne peut être tenu compte de tarifs supérieurs à ceux qui sont prévus par la législation qu'applique l'institution créancière pour le service des prestations en nature aux ressortissants de la Partie Contractante sur le territoire de laquelle elle se trouve.
3. Les remboursements dont il s'agit au paragraphe 1 du présent article seront déterminés et effectués selon les modalités prévues par l'arrangement administratif visé au paragraphe 1 de l'article 96, soit sur justification des dépenses effectives, soit sur la base de forfaits.
4. Deux ou plusieurs Parties Contractantes, ou leurs autorités compétentes, peuvent convenir d'autres modalités de remboursement ou renoncer, d'un commun accord, à, tout remboursement entre les institutions relevant de leur compétence.
5. Les Parties Contractantes notifieront au Centre administratif, dans un délai de trois mois, tout accord conclu entre elles en vertu des dispositions du paragraphe précédent.

CHAPITRE 4

Décès (allocations)

Article 50

Si la législation d'une Partie Contractante subordonne l'acquisition, le maintien ou le recouvrement du droit aux allocations au décès à l'accomplissement de périodes d'assurance, l'institution qui applique cette législation tient compte à cet effet, dans la mesure nécessaire, aux fins de totalisation, des périodes d'assurance accomplies sous la législation de toute autre Partie Contractante, comme s'il s'agissait de périodes d'assurance accomplies sous la législation de la première Partie.

Article 51

1. Lorsqu'un batelier rhénan, un chômeur, un demandeur ou un titulaire de pension ou de rente ou un membre de leur famille, auxquels le présent Accord était applicable, est décédé sur le territoire d'une Partie Contractante autre que l'Etat compétent, le décès est censé être survenu sur le territoire de ce dernier Etat.
2. L'institution compétente est tenue d'accorder les allocations au décès dues au titre de la législation qu'elle applique, même si le bénéficiaire se trouve sur le territoire d'une Partie Contractante autre que l'Etat compétent.
3. Les dispositions des paragraphes précédents du présent article sont également applicables au cas où le décès résulte d'un accident du travail ou d'une maladie professionnelle.

Article 52

1. En cas de décès du titulaire pension ou d'une rente due au titre de la législation d'une Partie Contractante ou de pensions ou de rentes dues au titre des législations de deux ou plusieurs Parties Contractantes, les allocations au décès prévues en ce cas par la législation de la Partie Contractante à laquelle incombait la charge des prestations en nature de maladie servies à ce titulaire en vertu des dispositions de l'article 21 sont dues par l'institution compétente de cette Partie, même si ledit titulaire ne résidait pas, au moment de son décès, sur le territoire de ladite Partie.
2. Les dispositions du paragraphe précédent sont applicables par analogie aux membres de la famille d'un titulaire de pension ou de rente.

Article 53

Si la législation d'une Partie Contractante subordonne l'octroi des allocations au décès pour des membres de famille à la condition qu'ils aient été personnellement assurés, les dispositions des articles 51 et 52 ne sont applicables, en ce qui concerne les membres de la famille d'un batelier rhénan soumis à cette législation, d'un chômeur, d'un demandeur ou d'un titulaire de pension ou de rente admis à bénéficier des prestations en nature de maladie au titre de cette législation, que si ces membres de famille étaient affiliés personnellement soit à la même institution de ladite Partie que ce batelier rhénan, ce chômeur, ce demandeur ou ce titulaire de pension ou de rente, selon le cas, soit à une autre institution de ladite Partie qui accorde des prestations correspondantes.

CHAPITRE 5

Chômage

Article 54

Les dispositions du présent chapitre ne s'appliquent qu'aux bateliers rhénans salariés.

Article 55

1. Si la législation d'une Partie Contractante subordonne l'acquisition, le maintien ou le recouvrement du droit aux prestations à l'accomplissement de périodes d'assurance, l'institution qui applique cette législation tient compte à cet effet, dans la mesure nécessaire, aux fins de totalisation, des périodes d'assurance ou d'emploi accomplies sous la législation de toute autre Partie contractante, comme s'il s'agissait de périodes accomplies sous la législation de la première Partie; toutefois, les périodes d'emploi sont totalisées seulement à la

condition qu'elles eussent été considérées comme périodes selon la législation de la première Partie, si elles avaient été accomplies sous cette législation.

2. Si la législation d'une Partie Contractante subordonne l'acquisition, le maintien ou le recouvrement du droit aux prestations à l'accomplissement de périodes d'emploi, l'institution qui applique cette législation tient compte à cet effet, dans la mesure nécessaire, aux fins de totalisation, des périodes d'assurance ou d'emploi accomplies sous la législation de toute autre Partie Contractante, comme s'il s'agissait de périodes accomplies sous la législation de la première Partie; toutefois, les périodes d'emploi sont totalisées seulement à la condition qu'elles eussent été prises en considération au même effet selon la législation de la première Partie, si elles avaient été accomplies sous cette législation.
3. L'application des dispositions des paragraphes précédents du présent article est subordonnée à la condition que le batelier rhénan devenu chômeur ait été soumis en dernier lieu à la législation de la Partie Contractante au titre de laquelle les prestations sont demandées, sauf dans le cas visé à l'article 57.

Article 56

Le batelier rhénan devenu chômeur qui, au cours de son dernier emploi, résidait sur le territoire d'une Partie Contractante autre que l'Etat compétent et qui demeure à la disposition de son employeur ou des services de l'emploi de cet Etat, selon le cas bénéficie des prestations selon les dispositions de la législation dudit Etat, comme s'il résidait sur son territoire, compte tenu, le cas échéant, des dispositions du paragraphe 1 ou du paragraphe 2 de l'article 55. Ces prestations sont servies par l'institution compétente.

Article 57

Le batelier rhénan devenu chômeur complet qui, au cours de son dernier emploi, résidait sur le territoire d'une Partie Contractante autre que l'Etat compétent et qui se met à la disposition des services de l'emploi de cette Partie bénéficie des prestations selon les dispositions de la législation de ladite Partie comme s'il avait été soumis à cette législation au cours de son dernier emploi, compte tenu, le cas échéant, des dispositions du paragraphe 1 ou du paragraphe 2 de l'article 55. Ces prestations sont servies par l'institution du lieu de résidence et à sa charge.

Article 58

Si la législation d'une Partie Contractante fixe une durée maximale à l'octroi des prestations, l'institution qui applique cette législation peut tenir compte, le cas échéant, de la période pendant laquelle des prestations ont déjà été servies par l'institution d'une autre Partie Contractante après la dernière constatation du droit aux prestations.

Article 59

1. Si la législation d'une Partie Contractante prévoit que le calcul des prestations repose sur le montant du salaire antérieur, l'institution qui applique cette législation tient compte exclusivement du salaire perçu par l'intéressé pour le dernier emploi qu'il a occupé immédiatement avant le début du chômage sous la législation de cette Partie ou, si l'intéressé n'a pas occupé son dernier emploi pendant quatre semaines au moins sous cette législation, du salaire usuel correspondant, au lieu où il se trouve sur le territoire de ladite Partie, à un emploi équivalent ou analogue à celui qu'il a occupé en dernier lieu sous la législation d'une autre Partie Contractante.
2. Si la législation d'une Partie Contractante prévoit que le montant des prestations varie avec le nombre des membres de famille, l'institution qui applique cette législation tient compte également des membres de famille résidant sur le territoire d'une autre Partie Contractante, comme résidaient sur le territoire de la première Partie; toutefois, il n'est pas tenu compte de ceux de ces membres de famille qui sont déjà pris en considération pour le calcul de prestations de chômage dues à un bénéficiaire de la même famille en vertu de la législation autre Partie Contractante.
3. Si la législation d'une Partie Contractante prévoit que la durée d'octroi des prestations dépend de la durée des périodes accomplies, l'institution qui applique cette législation détermine la durée d'octroi des prestations compte tenu, le cas échéant, des dispositions du paragraphe ou du paragraphe 2 de l'article 55.

CHAPITRE 6

Prestations familiales

Article 60

Si la législation d'une Partie Contractante subordonne l'acquisition du droit aux prestations à l'accomplissement de périodes d'emploi ou d'activité professionnelle, l'institution qui applique cette législation tient compte à cet effet, dans la mesure nécessaire, aux fins de totalisation, des périodes d'emploi ou d'activité professionnelle accomplies sous 1% législation de toute autre Partie Contractante, comme s'il s'agissait de périodes accomplies sous la législation de la première Partie.

Article 61

1. L'Annexe VII mentionne, pour chaque Partie Contractante, celle des sections 1 ou 2 du présent chapitre qu'elle choisit d'appliquer.
2. L'institution compétente de la Partie Contractante à la législation de laquelle le batelier rhénan est soumis applique les dispositions des sections 1, 3 et 4 du présent chapitre, si cette Partie Contractante est inscrite à l'Annexe VII (1), ou les dispositions des sections 2, 3 et 4 du présent chapitre, si cette Partie Contractante est inscrite à l'Annexe VII (2).
3. Chaque Partie Contractante notifiera, conformément aux dispositions du paragraphe 1 de l'article 97, tout amendement à apporter à L'Annexe VII.

Section 1

Article 62

1. Le batelier rhénan soumis à la législation d'une Partie Contractante a droit, compte tenu, le cas échéant, des dispositions de l'article 60,
 - a. pour les membres de sa famille qui se trouvent avec lui à bord d'un bâtiment visé à l'alinéa m) de l'article 1, aux prestations familiales prévues par la législation de cette Partie, comme s'ils résidaient sur le territoire de ladite Partie;
 - b. pour les membres de sa famille qui résident sur le territoire d'une autre Partie Contractante, aux prestations familiales prévues par la législation de cette dernière Partie, comme si ce batelier rhénan était soumis à cette législation.
2.
 - a. Dans le cas visé à l'alinéa a) du paragraphe précédent, les prestations sont servies par l'institution compétente de la Partie Contractante à la législation de laquelle le batelier rhénan est soumis;
 - b. dans le cas visé à l'alinéa b) du paragraphe précédent, les prestations sont servies par l'institution du lieu de résidence des membres de famille, selon les dispositions de la législation que cette institution applique, à la charge de l'institution compétente, sans préjudice des dispositions de l'article 70. Toutefois si, en application de cette législation, les prestations doivent être servies au batelier, ces prestations peuvent néanmoins être servies à la personne physique ou morale qui assume la charge effective des membres de famille au lieu de leur résidence ou, le cas échéant, directement à ces derniers.

Article 63

1. Le batelier rhénan devenu chômeur qui bénéficie des prestations de chômage au titre de la législation d'une Partie Contractante a droit, compte tenu, le cas échéant, des dispositions de l'article 60, pour les membres de sa famille qui résident sur le territoire d'une autre Partie Contractante, aux prestations familiales prévues par la législation de cette dernière Partie, comme si ce batelier rhénan était soumis à cette législation.
2. Dans le cas visé au paragraphe précédent, les prestations sont servies par l'institution du lieu de résidence des membres de famille, selon les dispositions de la législation que cette institution applique, à la charge de l'institution compétente, sans préjudice des dispositions de l'article 70. Toutefois si, en application de cette législation, les prestations doivent être servies au batelier, ces prestations peuvent néanmoins être servies à la personne physique ou morale qui assume la charge effective des membres de famille au lieu de leur résidence ou, le cas échéant, directement à ces derniers.

Article 64

1. Le batelier rhénan soumis à la législation d'une Partie Contractante a droit, compte tenu, le cas échéant, des dispositions de l'article 60, pour les membres de sa famille qui se trouvent avec lui à bord d'un bâtiment visé à l'alinéa m) de l'article 1 ou qui résident sur le territoire d'une autre Partie Contractante, aux allocations familiales prévues par la législation de la première Partie, comme s'ils résidaient sur le territoire de cette Partie.
2. Dans les cas visés au paragraphe précédent, les allocations familiales sont servies selon les dispositions de la législation de la Partie Contractante à laquelle le batelier rhénan est soumis. Si ces allocations ne sont pas affectées à l'entretien des enfants, elles peuvent être servies, avec effet libératoire, à la personne physique ou morale qui assume la charge effective de ces enfants, par l'intermédiaire de l'institution du lieu de leur résidence ou de l'institution désignée ou de l'organisme déterminé à cette fin par l'autorité compétente du pays de leur résidence.

Article 65

1. Le batelier rhénan devenu chômeur qui bénéficie des prestations de chômage au titre de la législation d'une Partie Contractante a droit, compte tenu, le cas échéant, des dispositions de l'article 60, pour les membres de sa famille qui résident sur le territoire d'une autre Partie Contractante, aux allocations familiales prévues par la législation de la première Partie, comme s'ils résidaient sur le territoire de cette Partie.
2. Dans le cas visé au paragraphe précédent, les allocations familiales sont servies selon les dispositions de la législation de la Partie Contractante au titre de laquelle le batelier rhénan bénéficie des prestations de chômage. Si ces allocations ne sont pas affectées à l'entretien des enfants, elles peuvent être servies, avec effet libératoire, à la personne physique ou morale qui assume la charge effective de ces enfants, par l'intermédiaire de l'institution du lieu de leur résidence ou de l'institution désignée ou de l'organisme déterminé à cette fin par l'autorité compétente du pays de leur résidence.

Article 66

1. Les titulaires de pensions ou de rentes auxquels le présent Accord est applicable bénéficient des prestations familiales ou des allocations familiales selon les règles énoncées aux paragraphes suivants du présent article, à condition qu'ils puissent prétendre à de telles prestations en vertu de la législation de la Partie Contractante ou de l'une au moins des législations des Parties Contractantes au titre desquelles une pension ou une rente est due.
2. Le titulaire d'une pension ou d'une rente due au titre de la législation d'une seule Partie Contractante bénéficie des prestations familiales prévues par cette législation, pour les membres de sa famille qui résident sur le territoire de cette Partie, et des allocations familiales prévues par ladite législation, pour ses enfants qui résident sur le territoire d'une autre Partie Contractante, quel que soit le lieu de résidence de ce titulaire.
3.
 - a. Le titulaire de pensions ou de rentes dues au titre des législations de deux ou plusieurs Parties Contractantes bénéficie des prestations familiales prévues par la législation de celle de ces Parties sur le territoire de laquelle il réside, pour les membres de sa famille qui résident sur le territoire de la même Partie, et des allocations familiales prévues par ladite législation, pour ses enfants qui résident sur le territoire d'une autre Partie Contractante, comme s'il avait été soumis à cette seule législation;
 - b. si aucun droit n'est ouvert au titre de la législation de la Partie Contractante déterminée à l'alinéa précédent ou si le titulaire réside sur le territoire d'une Partie Contractante au titre de la législation de laquelle aucune pension ou rente n'est due, ce titulaire bénéficie, pour ses enfants qui résident sur le territoire d'une Partie Contractante, des allocations familiales prévues par la législation de la Partie Contractante à laquelle il a été soumis le plus longtemps, comme s'il avait été soumis à cette seule législation;
 - c. si aucun droit n'est ouvert au titre de la législation de la Partie Contractante déterminée à l'alinéa précédent, les conditions d'ouverture du droit sont examinées au regard des législations des autres Parties Contractantes auxquelles le titulaire a été soumis, dans l'ordre dégressif de la durée des périodes accomplies par lui sous les législations de ces Parties;
 - d. si, en application de la règle énoncée aux alinéas b) et c) du présent paragraphe, un droit est ouvert au titre des législations de deux ou plusieurs Parties Contractantes, le titulaire bénéficie des allocations familiales prévues par la législation de celle de ces Parties à laquelle il a été soumis en dernier lieu.

Article 67

1. Les orphelins d'un batelier rhénan défunt bénéficient des prestations familiales ou des allocations familiales selon les règles énoncées aux paragraphes suivants du présent article, à condition qu'un droit à de telles prestations soit ouvert, compte tenu, le cas échéant, des dispositions de l'article 60, au titre de la législation de la Partie Contractante ou de l'une au moins des législations des Parties Contractantes auxquelles ce batelier rhénan a été soumis.
2. L'orphelin d'un batelier rhénan défunt qui a été soumis à la législation d'une seule Partie Contractante bénéficie des prestations familiales prévues par cette législation, s'il réside sur le territoire de cette Partie ou, sinon, des allocations familiales prévues par ladite législation.
3.
 - a. orphelin d'un batelier rhénan défunt qui a été soumis aux législations de deux ou plusieurs Parties Contractantes bénéficie des prestations familiales prévues par la législation de celle de ces Parties sur le territoire de laquelle il réside, comme si ce batelier avait été soumis à cette seule législation ;
 - b. si aucun droit n'est ouvert au titre de la législation de la Partie Contractante déterminée à l'alinéa précédent ou si L'orphelin réside sur le territoire d'une Partie Contractante à la législation de laquelle le batelier rhénan défunt n'a pas été soumis, cet orphelin bénéficie des allocations familiales prévues par la législation de la Partie Contractante à laquelle le batelier rhénan défunt a été soumis le plus longtemps, comme s'il avait été soumis à cette seule législation ;
 - c. si aucun droit n'est ouvert au titre de la législation de la Partie Contractante déterminée à l'alinéa précédent, les conditions d'ouverture du droit sont examinées au regard des législations des autres Parties Contractantes auxquelles le batelier rhénan défunt a été soumis, dans l'ordre dégressif de la durée des périodes accomplies par lui sous les législations de ces Parties ;
 - d. si, en application de la règle énoncée aux alinéas b) et c) du présent paragraphe, un droit est ouvert au titre des législations de deux ou plusieurs Parties Contractantes, l'orphelin bénéficie des allocations familiales prévues par la législation de celle de ces Parties à laquelle le batelier rhénan défunt a été soumis en dernier lieu.

Article 68

Les orphelins d'un titulaire de pension ou de rente auquel le présent Accord était applicable avant son décès bénéficient des prestations familiales ou des allocations familiales prévues par la législation de la Partie Contractante au titre de laquelle ce titulaire recevait de son vivant des prestations familiales ou des allocations familiales en application des dispositions de l'article 66, à condition qu'un droit à de telles prestations soit ouvert au titre de cette législation. Ces orphelins bénéficient des prestations familiales prévues par ladite législation, s'ils résident sur le territoire de cette Partie ou, sinon, des allocations familiales prévues par ladite législation.

Article 69

Dans les cas visés aux articles 66 à 68, les prestations familiales ou les allocations familiales sont servies selon les dispositions de la législation de la Partie Contractante déterminée à ces articles, par l'institution compétente de cette Partie et à sa charge, même si la personne physique ou morale à laquelle ces prestations doivent être servies réside ou se trouve sur le territoire d'une autre Partie Contractante. Dans ce cas, si lesdites prestations ne sont pas affectées à l'entretien des membres de famille, elles peuvent être servies, avec effet libératoire, à la personne physique ou morale qui assume la charge effective de ces membres de famille, par l'intermédiaire de l'institution du lieu de leur résidence ou de l'institution désignée ou de l'organisme déterminé à cette fin par l'autorité compétente du pays de leur résidence.

Section 4Article 70

1. L'institution compétente est tenue de rembourser le montant des prestations servies pour son compte en vertu des dispositions du présent chapitre, pour autant qu'il s'agisse de prestations reconnues par l'arrangement administratif visé au paragraphe 1 de l'article 96 comme correspondant à celles qui sont prévues par la législation que cette institution applique.

2. Les remboursements dont il s'agit au paragraphe précédent seront déterminés et effectués selon les modalités prévues par l'arrangement administratif visé au paragraphe 1 de l'article 96, soit sur justification des dépenses effectives, soit sur la base de forfaits.
3. Deux ou plusieurs Parties Contractantes, ou leurs autorités compétentes, peuvent convenir d'autres modalités de remboursement ou renoncer, d'un commun accord, à tout remboursement entre les institutions relevant de leur compétence.
4. Les Parties Contractantes notifieront au Centre administratif, dans un délai de trois mois, tout accord conclu entre elles en vertu des dispositions du paragraphe précédent.

TITRE IV

CENTRE ADMINISTRATIF DE SECURITE SOCIALE

POUR LES BATELIERS RHENANS

Article 71

1. Le Centre administratif de sécurité sociale pour les bateliers rhénans est composé, pour chacune des Parties Contractantes, de deux représentants gouvernementaux, d'un représentant des employeurs de la batellerie rhénane et d'un représentant des bateliers rhénans salariés. Il établit son propre règlement. La présidence du Centre administratif est exercée par un représentant gouvernemental.
2. Les représentants non gouvernementaux sont désignés par les gouvernements d'accord avec les organisations les plus représentatives des employeurs de la batellerie rhénane et des bateliers rhénans salariés.
3. Le Centre administratif bénéficie du concours technique du Bureau international du travail, dans le cadre des accords conclus à cet effet entre la Commission centrale pour la navigation du Rhin et le Bureau international du Travail.
4. Le siège du Centre administratif est fixé au siège de la Commission centrale pour la navigation du Rhin.
5. Le secrétariat du Centre administratif est assuré par le secrétariat général de la Commission centrale pour la navigation du Rhin. Le secrétaire chargé du secrétariat du Centre administratif est désigné par accord entre le Centre administratif et la Commission centrale pour la navigation du Rhin.

Article 72

1. Le Centre administratif est chargé :
 - a. de traiter toute question d'interprétation ou d'application des dispositions du présent Accord, des l'Arrangement administratif visé au paragraphe 1 de l'article 96 et de tout accord ou arrangement à intervenir dans le cadre de ces instruments, sans préjudice du droit ou de l'obligation des autorités, institutions et personnes intéressées de recourir aux procédures et aux juridictions prévues par les législations des Parties Contractantes et par le présent Accord;
 - b. d'apporter aide aux personnes intéressées à l'application du présent Accord, notamment aux bateliers rhénans et aux membres de leur famille, en vue du règlement pratique des situations individuelles, en liaison avec les autorités et institutions compétentes des Parties Contractantes en cause;
 - c. d'exercer toute autre fonction relevant de sa compétence en vertu des dispositions du présent Accord, de l'Arrangement administratif visé au paragraphe 1 de l'article 96 et de tout accord ou arrangement à intervenir dans le cadre de ces instruments;
 - d. de présenter des propositions aux autorités compétentes des Parties Contractantes en vue d'une révision du présent Accord et de l'Arrangement administratif visé au paragraphe 1 de l'article 96.
2. a. Les questions d'interprétation visées à l'alinéa a) du paragraphe précédent ne peuvent être réglées qu'à l'unanimité;

b. les questions d'application visées à l'alinéa a) du paragraphe précédent sont réglées à la majorité, avec l'accord de toutes les Parties Contractantes intéressées.

TITRE V

DISPOSITIONS DIVERSES

Article 73

1. Sauf en ce qui concerne les prestations d'invalidité, de vieillesse, de survivants ou de maladie professionnelle, qui sont liquidées par les institutions de deux ou plusieurs Parties Contractantes conformément aux dispositions de l'article 33 ou de l'alinéa b) de l'article 45, le présent Accord ne peut conférer ni maintenir le droit de bénéficier de plusieurs prestations de même nature se rapportant à une même période d'assurance obligatoire.
2. Les clauses de réduction, de suspension ou de suppression prévues par la législation d'une Partie Contractante, en cas de cumul d'une prestation avec d'autres prestations ou avec d'autres revenus, ou du fait de l'exercice d'une activité professionnelle, sont opposables au bénéficiaire, même s'il s'agit de prestations acquises au titre de la législation d'une autre Partie Contractante ou s'il s'agit de revenus obtenus ou d'une activité exercée sur le territoire d'une autre Partie Contractante. Toutefois, pour l'application de cette règle, il n'est pas tenu compte des prestations de même nature d'invalidité, de vieillesse, de survivants ou de maladie professionnelle qui sont liquidées par les institutions de deux ou plusieurs Parties Contractantes conformément aux dispositions de l'article 33 ou de l'alinéa b) de l'article 45.

Article 74

Lorsque le bénéficiaire d'une prestation due au titre de la législation, d'une Partie Contractante a également droit à prestations au titre de la législation de l'une ou de plusieurs des autres Parties Contractantes, les règles suivantes sont applicables :

- a. au cas où l'application des dispositions du paragraphe 2 de l'article 73 entraînerait la réduction, la suspension ou la suppression concomitante de ces prestations, chacune d'elles ne peut être réduite, suspendue ni supprimée pour un montant supérieur au montant obtenu en divisant le montant sur lequel porte la réduction, la suspension ou la suppression en vertu de la législation au titre de laquelle cette prestation est due par le nombre de prestations sujettes à réduction, à suspension ou à suppression auxquelles le bénéficiaire a droit;
- b. toutefois, s'il s'agit de prestations d'invalidité, de vieillesse ou de survivants liquidées conformément aux dispositions de l'article 33 par l'institution d'une Partie Contractante, cette institution tient compte des prestations, revenus ou rémunérations de nature à entraîner la réduction, la suspension ou la suppression de la prestation due par elle, non pour le calcul du montant théorique visé au paragraphe 2 de l'article 33, mais exclusivement pour la réduction, la suspension ou la suppression du montant visé au paragraphe 3 ou au paragraphe 5 dudit article 33; toutefois, ces prestations, revenus ou rémunérations ne sont comptés que pour une fraction de leur montant, déterminée au prorata de la durée des périodes accomplies, conformément aux dispositions du paragraphe 3 de l'article 33.

Article 75

Si un batelier rhénan ou un membre de sa famille peut prétendre au bénéfice des prestations de maternité au titre des législations de deux ou plusieurs Parties Contractantes, ces prestations sont accordées exclusivement au titre de la législation de celle de ces Parties sur le territoire de laquelle a eu lieu l'accouchement ou, Si l'accouchement n'a pas eu lieu sur le territoire de l'une de ces Parties, exclusivement au titre de la législation à laquelle ce batelier rhénan a été soumis en dernier lieu.

Article 76

1. En cas de décès survenu sur le territoire d'une Partie Contractante, seul est maintenu le droit à l'allocation au décès acquis au titre de la législation de cette Partie, à l'exclusion des droits acquis au titre de la législation de toute autre Partie Contractante.

2. En cas de décès survenu sur le territoire d'une Partie Contractante, alors que le droit à l'allocation au décès est acquis exclusivement au titre des législations de deux ou plusieurs autres Parties Contractantes, seul est maintenu le droit acquis au titre de la législation de la Partie Contractante à laquelle le batelier rhénan a été soumis en dernier lieu, à l'exclusion des droits acquis au titre de la législation de toute autre Partie Contractante.
3. En cas de décès survenu hors du territoire des Parties Contractantes, alors que le droit à l'allocation au décès est acquis au titre des législations de deux ou plusieurs Parties Contractantes, seul est maintenu le droit acquis au titre de la législation de la Partie Contractante à laquelle le batelier rhénan a été soumis en dernier lieu, l'exclusion des droits acquis au titre de la législation de toute autre Partie Contractante.

Article 77

1. Le droit aux prestations familiales dues en vertu des dispositions des articles 62, 63, 64, 65, 66, 67 ou 68 est suspendu si, en raison de l'exercice de l'activité professionnelle d'une personne autre que le batelier rhénan, des prestations familiales sont également dues, au cours de la même période et pour les mêmes membres de famille, en vertu de la législation de la Partie Contractante sur le territoire de laquelle les membres de famille ou les orphelins résident. Dans ce cas, ils sont considérés comme membres de famille de la personne qui exerce ladite activité professionnelle.
2. Le droit aux prestations familiales dues en vertu de la législation d'une Partie Contractante, selon laquelle l'acquisition du droit à ces prestations n'est pas subordonnée à une condition d'activité professionnelle, est suspendu lorsque, au cours de la même période et pour les mêmes membres de famille :
 - a. des prestations familiales sont dues au titre de la législation d'une autre Partie Contractante en application des dispositions des articles 62, 63, 64 ou 65. Toutefois, si une personne autre que le batelier rhénan visé par ces articles exerce une activité professionnelle sur le territoire de la première Partie, le droit aux prestations familiales dues en application de ces dispositions est suspendu, lorsque les membres de la famille de ce batelier rhénan sont également des membres de la famille de cette personne; seules sont accordées les prestations familiales prévues par la législation de la première Partie, à la charge de cette Partie;
 - b. des prestations familiales sont dues au titre de la législation d'une autre Partie Contractante en application des dispositions des articles 66, 67 ou 68. Toutefois, si le montant des allocations familiales dues en vertu des dispositions des articles 66, 67 ou 68 est inférieur au montant des allocations familiales dues en vertu de la législation de la première Partie, la différence entre ces montants reste due à l'allocataire, dans la mesure où elle subsiste, à la charge de l'institution compétente de cette Partie.

Article 78

1. Les autorités compétentes des Parties Contractantes se communiquent :
 - a. toutes informations concernant les mesures prises pour l'application du présent Accord;
 - b. toutes informations concernant les modifications de leur législation susceptibles d'affecter l'application du présent Accord.
2. Pour l'application du présent Accord, les autorités et institutions des Parties Contractantes se prêtent leurs bons offices, comme s'il s'agissait de l'application de leur propre législation. L'entraide administrative de ces autorités et institutions est en principe gratuite. Toutefois, les autorités compétentes des Parties Contractantes peuvent convenir du remboursement de certains frais.
3. Pour l'application du présent Accord, les autorités et institutions des Parties Contractantes peuvent communiquer directement entre elles, ainsi qu'avec les intéressés ou leurs mandataires.
4. Les autorités, institutions et juridictions d'une Partie Contractante ne peuvent rejeter les requêtes ou autres documents qui leur sont adressés, du fait qu'ils sont rédigés dans une langue officielle d'une autre Partie Contractante.

Article 79

1. Le bénéfice des exemptions ou réductions de taxes, de timbres, de droits de greffe ou d'enregistrement, prévues par la législation d'une Partie Contractante pour les pièces ou documents à produire en application

de la législation de cette Partie, est étendu aux pièces ou documents analogues à produire en application de la législation d'une autre Partie Contractante ou du présent Accord.

2. Tous actes, documents ou pièces quelconques de nature officielle à produire aux fins de l'application du présent Accord sont dispensés de légalisation et de toute autre formalité similaire.

Article 80

1. Si le requérant réside sur le territoire d'une Partie Contractante autre que l'Etat compétent, il peut présenter valablement sa demande à l'institution du lieu de résidence, qui saisit l'institution ou les institutions compétentes mentionnées dans la demande.
2. Les demandes, déclarations ou recours qui auraient dû être introduits, selon la législation d'une Partie Contractante, dans un délai déterminé, auprès d'une autorité, institution ou juridiction de cette Partie sont recevables s'ils sont introduits dans le même délai auprès d'une autorité, institution ou juridiction correspondante d'une autre Partie Contractante. En ce cas, l'autorité, l'institution ou la juridiction ainsi saisie transmet sans délai ces demandes, déclarations ou recours à l'autorité, à l'institution ou à la juridiction compétente de la première Partie, soit directement, soit par l'intermédiaire des autorités compétentes des Parties Contractantes en cause. La date à laquelle ces demandes, déclarations ou recours ont été introduits auprès d'une autorité, institution ou juridiction de la seconde Partie est considérée comme la date d'introduction auprès de l'autorité, de l'institution ou de la juridiction compétente pour en connaître.

Article 81

Les expertises médicales prévues par la législation d'une Partie Contractante peuvent, à la requête de l'institution qui applique cette législation, être effectuées sur le territoire d'une autre Partie Contractante par l'institution du lieu de séjour ou de résidence, dans les conditions prévues par l'Arrangement administratif visé au paragraphe 1 de l'article 96. Im ce cas, elles sont censées avoir été effectuées sur le territoire de la première Partie.

Article 82

Lorsque l'institution d'une Partie Contractante a versé à un bénéficiaire de prestations une somme qui excède celle à laquelle il a droit, cette institution peut, dans les conditions et limites prévues par la législation qu'elle applique, demander à l'institution de toute autre Partie Contractante, débitrice de prestations en faveur de ce bénéficiaire, de retenir le montant payé en trop sur les sommes qu'elle verse audit bénéficiaires. Cette dernière institution opère la retenue dans les conditions et limites ou une telle compensation est autorisée par la législation qu'elle applique, comme s'il s'agissait de sommes servies en trop par elle-même, et transféré le montant ainsi retenu à l'institution créancière.

Article 83

1. Lorsque, en vertu du présent Accord, l'institution d'une Partie Contractante est débitrice de prestations en espèces envers un bénéficiaire qui se trouve sur le territoire d'une autre Partie Contractante, la dette est exprimée dans la monnaie de la première Partie. Ladite institution s'en libère valablement dans la monnaie de la seconde Partie.
2. Lorsque, en vertu du présent Accord, l'institution d'une Partie Contractante est débitrice de sommes destinées au remboursement de prestations servies par l'institution d'une autre Partie Contractante, la dette est exprimée dans la monnaie de la seconde Partie. La première institution s'en libère valablement dans ladite monnaie, à moins que les Parties Contractantes en cause ne soient convenues d'autres modalités.
3. Les transferts de sommes qui résultent de l'application du présent Accord sont effectués conformément aux accords en vigueur en cette matière, au moment du transfert, entre les Parties Contractantes en cause. A défaut, les mesures nécessaires pour effectuer ces transferts sont fixées d'un commun accord entre lesdites Parties.

Article 84

1. Pour la fixation du montant des cotisations dues à l'institution d'une Partie Contractante, il est tenu compte, le cas échéant, des revenus obtenus sur le territoire de toute autre Partie Contractante.
2. Le recouvrement des cotisations dues à l'institution d'une Partie Contractante peut être opéré sur le territoire d'une autre Partie Contractante, suivant la procédure administrative et avec les garanties et privilèges

applicables au recouvrement des cotisations dues à une institution correspondante de cette dernière Partie ou, en l'absence d'une telle procédure, avec les garanties et privilèges applicables au recouvrement des fonds destinés au financement de la sécurité sociale de ladite Partie.

3. Les modalités d'application des dispositions des paragraphes précédents du présent article seront réglées, en tant que de besoin, par l'Arrangement administratif visé au paragraphe 1 de l'article 96, ou par voie d'accords bilatéraux ou multilatéraux entre deux ou plusieurs Parties Contractantes. Ces modalités d'application pourront concerner également la procédure judiciaire de recouvrement.

Article 85

1. Si une personne bénéficie de prestations au titre de la législation d'une Partie Contractante pour un dommage causé ou survenu sur le territoire d'une autre Partie Contractante, les droits de l'institution débitrice des prestations, à l'encontre du tiers tenu à la réparation du dommage, sont réglés de la manière suivante :
 - a. lorsque l'institution débitrice est subrogée, en vertu de la législation qui lui est applicable, dans les droits que le bénéficiaire détient à l'encontre du tiers, toute Partie Contractante reconnaît une telle subrogation ;
 - b. lorsque l'institution débitrice a un droit direct à l'encontre du tiers, toute Partie Contractante reconnaît ce droit.
2. Les règles applicables à la responsabilité de l'employeur ou de ses préposés, en cas d'accident du travail ou de trajet survenu sur le territoire d'une Partie Contractante autre que l'Etat compétent, seront déterminées par voie d'accords entre les Parties Contractantes intéressées.

Article 86

1. Tout différend venant à s'élever entre deux ou plusieurs Parties Contractantes, au sujet de l'interprétation ou de l'application du présent Accord, de l'Arrangement administratif visé au paragraphe 1 de l'article 96 et de tout accord ou arrangement à intervenir dans le cadre de ces instruments, sera soumis au Centre administratif, qui adressera une recommandation aux Parties au litige.
2. Si les Parties au litige n'acceptent pas de suivre la recommandation du Centre administratif, le différend sera soumis à un organe arbitral permanent; cet organe établira sa propre procédure.
3. L'organe arbitral permanent sera composé d'un membre désigné par chacune des Parties Contractantes. Un membre suppléant, désigné par chacune des Parties Contractantes, sera chargé des fonctions du membre titulaire en cas d'empêchement de ce dernier.
4. La sentence de l'organe arbitral permanent, qui devra être conforme aux principes du présent Accord, sera obligatoire et sans appel.

Article 87

1. L'Annexe VIII mentionne, pour chaque Partie Contractante intéressée, les modalités particulières d'application de sa législation.
2. Chaque Partie Contractante intéressée notifiera, conformément aux dispositions du paragraphe 1 de l'article 97, tout amendement à apporter à l'Annexe VIII. Si cet amendement résulte de l'adoption d'une nouvelle législation, la notification sera effectuée dans un délai de trois mois à dater de la publication de ladite législation ou, si cette législation est publiée avant la date de ratification ou d'acceptation du présent Accord, à la date de cette ratification ou acceptation.

Article 88

1. Les annexes visées à l'alinéa b) de l'article 1, au paragraphe 1 de l'article 4, au paragraphe 3 de l'article 5, au paragraphe 3 de l'article 7, au paragraphe 3 de l'article 9, au paragraphe 2 de l'article 25, au paragraphe 1 de l'article 61 et au paragraphe 1 de l'article 87, ainsi que les amendements qui seront apportés à ces annexes, font partie intégrante du présent Accord.
2. Tout amendement aux annexes visées au paragraphe précédent sera considéré comme adopté si, dans les trois mois suivant la notification prévue à l'alinéa a) du paragraphe 2 de l'article 97, aucune Partie

Contractante ou aucun Etat signataire ne s'y est opposé par notification au Directeur général du Bureau international du Travail.

3. En cas de notification d'une telle opposition, l'affaire sera soumise au Centre administratif, qui adressera une recommandation aux Parties en cause. Si les Parties en cause n'acceptent pas de suivre la recommandation du Centre administratif, le différend sera réglé selon la procédure prévue aux paragraphes 2 à 4 de l'article 86.

PITRE VI

DISPOSITIONS TRANSITOIRES ET FINALES

Article 89

1. Le présent Accord n'ouvre aucun droit pour une période antérieure à son entrée en vigueur.
2. Toute période d'assurance, ainsi que, le cas échéant, toute période d'emploi, d'activité professionnelle ou de résidence accomplie sous la législation d'une Partie Contractante avant l'entrée en vigueur du présent Accord est prise en considération pour la détermination des droits en vertu de cet Accord.
3. Sous réserve des dispositions du paragraphe 1 du présent article, un droit est ouvert, en vertu du présent Accord, même s'il se rapporte à une éventualité réalisée antérieurement à son entrée en vigueur.
4. Toute prestation qui n'a pas été liquidée ou qui a été suspendue à cause de la nationalité de l'intéressé ou en raison de sa résidence sur le territoire d'une Partie Contractante autre que celle où se trouve l'institution débitrice sera, à la demande de l'intéressé, liquidée ou rétablie à partir de l'entrée en vigueur du présent Accord, sauf si les droits antérieurement liquidés ont donné lieu à un règlement en capital.
5. Les droits des intéressés ayant obtenu, antérieurement à l'entrée en vigueur du présent Accord, la liquidation d'une pension ou d'une rente, seront révisés à leur demande, compte tenu des dispositions de cet Accord. Ces droits peuvent également être révisés d'office. En aucun cas, une telle révision ne devra avoir pour effet de réduire les droits antérieurs des intéressés.
6. Si la demande visée au paragraphe 4 ou au paragraphe 5 du présent article est présentée dans un délai de deux ans à partir de la date de l'entrée en vigueur du présent Accord, les droits ouverts conformément aux dispositions de cet Accord sont acquis à partir de cette date, sans que les dispositions de la législation de toute Partie Contractante, relatives à la déchéance ou à la prescription des droits, soient opposables aux intéressés.
7. Si la demande visée au paragraphe 4 ou au paragraphe 5 du présent article est présentée après l'expiration d'un délai de deux ans suivant l'entrée en vigueur du présent Accord, les droits qui ne sont pas frappés de déchéance ou qui ne sont pas prescrits ne sont acquis qu'à partir de la date de la demande, sous réserve des dispositions plus favorables de la législation de la Partie Contractante en cause.
8. En cas de révision d'office conformément aux dispositions du paragraphe 5 du présent article, les droits ouverts en vertu du présent Accord sont acquis à partir de la date de l'entrée en vigueur de cet Accord.
9. L'application des dispositions du Chapitre 6 du Titre III ne peut avoir pour effet de réduire les droits dont bénéficient les intéressés à la date de l'entrée en vigueur du présent Accord. Si, à cette date, le montant des allocations familiales dues en vertu de ces dispositions est inférieur au montant des allocations familiales dues en vertu des dispositions de l'Accord du 13 février 1961 concernant la sécurité sociale des bateliers rhénans (révisé), la différence entre ces montants reste due aux allocataires, dans la mesure où elle subsiste, à la charge de l'institution compétente en vertu de ces dernières dispositions et aussi longtemps que cette institution demeure compétente en vertu des dispositions du présent Accord.

Article 90

1. Le présent Accord est ouvert à la signature des Etats représentés à la Commission centrale pour la navigation du Rhin et du Luxembourg.
2. Le présent Accord est soumis à ratification ou acceptation. Tout instrument de ratification ou d'acceptation sera déposé auprès du Directeur général du Bureau international du Travail.

Article 91

1. Le présent Accord entrera en vigueur le premier jour du troisième mois suivant celui au cours duquel sera intervenu le dépôt du dernier des instruments de ratification ou d'acceptation des Parties Contractantes à l'Accord du 13 février 1961 concernant la sécurité sociale des bateliers rhénans (révisé).
2. Il entrera en vigueur, l'égard de tout autre Etat signataire qui le ratifiera ou l'acceptera ultérieurement, le premier jour du troisième mois suivant celui au cours duquel sera intervenu le dépôt de son instrument de ratification ou d'acceptation.

Article 92

A partir de l'entrée en vigueur du présent Accord, les dispositions de l'Accord du 13 février 1961 concernant la sécurité sociale des bateliers rhénans (révisé) cesseront d'avoir effet.

Article 93

1. Après l'entrée en vigueur du présent Accord, un Etat autre que ceux visés au paragraphe 1 de l'article 90 pourra adhérer à cet Accord, sous réserve du consentement unanime des Parties Contractantes. L'adhésion à l'Accord confèrera les mêmes droits et entraînera les mêmes obligations que la ratification ou l'acceptation. Un protocole d'adhésion prévoira les dispositions éventuellement nécessaires à cet effet.
2. Tout instrument d'adhésion sera déposé auprès du Directeur général du Bureau international du Travail.
3. Le présent Accord entrera en vigueur, à l'égard de tout Etat qui viendra à y adhérer, le premier jour du troisième mois suivant celui au cours duquel sera intervenu le dépôt de son instrument d'adhésion.

Article 94

Le présent Accord est conclu pour la durée d'un an. Il sera renouvelé ensuite d'année en année par tacite reconduction, sous réserve du droit, pour chaque Partie Contractante, de le dénoncer par notification adressée au Directeur général du Bureau international du Travail. La dénonciation prendra effet un an après la date de réception de la notification.

Article 95

1. En cas de dénonciation du présent Accord, tout droit acquis en vertu de ses dispositions est maintenu.
2. Les droits en cours d'acquisition, relatifs aux périodes accomplies antérieurement à la date à laquelle la dénonciation prend effet, ne s'éteignent pas du fait de la dénonciation ; leur maintien ultérieur est déterminé par voie d'accord ou, à défaut d'un tel accord, par la législation qu'applique l'institution en cause.

Article 96

1. Un arrangement administratif fixera les modalités d'application du présent Accord.
2. Les Parties Contractantes ou, si les dispositions constitutionnelles de ces Parties le permettent, leurs autorités compétentes prendront tous autres arrangements nécessaires à l'application du présent Accord.

Article 97

1. Les notifications visées à l'alinéa b) de l'article 1, au paragraphe 2 de l'article 4, au paragraphe 4 de l'article 5, au paragraphe 2 de l'article 6, au paragraphe 4 de l'article 7, au paragraphe 4 de l'article 9, au paragraphe 3 de l'article 25, au paragraphe 3 de l'article 61 et au paragraphe 2 de l'article 87 seront adressées au Directeur général du Bureau international du Travail.
2. Le Directeur général du Bureau international du Travail notifiera aux Parties Contractantes, ainsi qu'à la Commission centrale pour la navigation du Rhin :
 - a. le dépôt de tout instrument de ratification, d'acceptation ou d'adhésion ;
 - b. toute date d'entrée en vigueur du présent Accord conformément aux dispositions de l'article 91 et de l'article 93;

c. toute notification de dénonciation reçue en application des dispositions de l'article 94 et la date à laquelle la dénonciation prendra effet

d. toute notification reçue en application des dispositions du paragraphe 1 du présent article.

Article 98

1. Les textes allemand, français et néerlandais du présent Accord feront également foi. Ils seront déposés aux archives du Bureau international du Travail.
2. Dès l'entrée en vigueur du présent Accord, les copies certifiées conformes seront communiquées, conformément à l'article 102 de la Charte des Nations Unies, au Secrétaire général des Nations Unies par le Directeur général du Bureau international du Travail, aux fins d'enregistrement.
3. Le Directeur général du Bureau international du Travail communiquera également les copies certifiées conformes à chacun des Etats représentés à la Commission centrale pour la navigation du Rhin, au Luxembourg et à ladite Commission
4. Une traduction officielle en anglais sera établie par le Bureau international du Travail et communiquée aux Etats intéressés.
5. Conformément à l'article 102 de la Charte des Nations Unies, le Directeur général du Bureau international du Travail communiquera au Secrétaire général des Nations Unies, aux fins d'enregistrement, toute ratification, toute acceptation, toute adhésion et toute dénonciation dont il aura reçu notification.

Fait à Genève, le 30 novembre 1979, en trois originaux allemand, français et néerlandais.

Président de la Conférence

EN FOI DE QUOT les soussignés, dument autorisés à cet effet, ont signé le présent Accord.

Pour la République fédérale d'Allemagne :

Pour la Belgique :

Pour la France :

Pour le Luxembourg :

Pour les Pays-Bas :

Pour le Royaume-Uni :

Pour la Suisse :

ANEXE I
DEFINITIONS DES TERRITOIRES ET DES RESSORTISSANTS
DES PARTIES CONTRACTANTES

(Article 1, alinéa b)

République fédérale d'Allemagne

Territoire : Le champ d'application de la loi fondamentale de la République fédérale d'Allemagne.

Ressortissants : Les Allemands au sens de la loi fondamentale de la République fédérale d'Allemagne.

Belgique

Territoire : Le territoire de la Belgique.

Ressortissants : Les personnes de nationalité belge.

France

Territoire : Le territoire continental de la France.

Ressortissants : Les personnes de nationalité française.

Luxembourg

Territoire : Le territoire du Grand-Duché de Luxembourg.

Ressortissants : Les personnes de nationalité luxembourgeoise.

Pays-Bas

Territoire : Le territoire du Royaume des Pays-Bas en Europe.

Ressortissants : Les personnes de nationalité néerlandaise.

Suisse

Territoire : Le territoire de la Confédération suisse.

Ressortissants : Les personnes de nationalité suisse.

ANNEXE II**LEGISLATIONS ET REGIMES AUXQUELS S 'APPLIQUE LE PRESENT ACCORD**

(Article 4, paragraphe i)

République fédérale d'Allemagne

Législation concernant :

- a. l'assurance-maladie (maladie, maternité et décès);
- b. la protection des travailleuses-mères, pour autant qu'il s'agisse de prestations dues par l'institution d'assurance maladie pendant la grossesse et après l'accouchement;
- c. l'assurance-pensions des ouvriers et des artisans;
- d. l'assurance-pensions des employés;
- e. l'assurance-pensions des travailleurs des mines et, pour la Sarre, l'assurance-pensions complémentaire dans la sidérurgie ainsi que le régime d'aide aux vieux agriculteurs;
- f. l'assurance-accidents;
- g. l'assurance-chômage et l'assistance-chômage;
- h. les allocations familiales.

Belgique

Législation concernant

- a. l'assurance-maladie-invalidité (maladie, maternité, invalidité- et décès)
 - i. régimes des travailleurs salariés (ouvriers, employés, ouvriers mineurs et personnel du secteur public);
 - ii. régime des marins de la marine marchande;
 - iii. régime des travailleurs indépendants;
- b. les pensions de retraite et de survie
 - i. régime des travailleurs salariés (ouvriers, employés, ouvriers mineurs et marins de la marine marchande);
 - ii. régime des travailleurs indépendants;
- c. la réparation des dommages résultant des accidents du travail :
 - i. régime des travailleurs salariés en général;
 - ii. régime des gens de mer;
- d. la réparation des dommages résultant des maladies professionnelles;
- e. l'organisation du soutien des chômeurs involontaires;
- f. les prestations familiales des travailleurs salariés et les prestations familiales des travailleurs indépendants.

France

Législation concernant

- a. l'organisation de la sécurité sociale;
- b. les dispositions générales fixant le régime des assurances sociales applicables aux assurés des professions non agricoles;
- c. la prévention et la réparation des accidents du travail et des maladies professionnelles;
- d. les prestations familiales;
- e. l'assurance-maladie et maternité des travailleurs non salariés des professions non agricoles;
- f. l'allocation de vieillesse et l'assurance-vieillesse des travailleurs non salariés des professions non agricoles;
- g. l'aide aux personnes actives en chômage;
- h. l'allocation aux vieux travailleurs salariés,
- i. l'allocation aux vieux travailleurs non salariés et le secours viager.

Luxembourg

Législation concernant

- a. l'assurance-maladie (maladie, maternité et décès)
 - régime des ouvriers;
 - régime des employés privés;
 - régime des professions indépendantes;
- b. l'assurance-pensions (invalidité, vieillesse et décès)
 - régime des ouvriers;
 - régime des employés privés;
 - régime des artisans, des commerçants et industriels;
- c. l'assurance-accidents du travail et maladies professionnelles;
- d. les indemnités de chômage;
- e. les prestations familiales.

Pays-Bas

Législation concernant :

- a. les prestations de maladie et de maternité;
- b. les prestations d'incapacité de travail (invalidité, accidents du travail et maladies professionnelles);
- c. les prestations de vieillesse;
- d. les prestations de survivants;
- e. les prestations de chômage;
- f. les allocations familiales.

Suisse

1. Législation fédérale concernant :
 - a. l'assurance-maladie, y compris les prestations de maternité;
 - b. l'assurance-invalidité;
 - c. l'assurance-vieillesse et survivants ;
 - d. les prestations complémentaires à l'assurance-vieillesse et survivants et à l'assurance-invalidité;
 - e. l'assurance obligatoire en cas d'accidents (y compris les maladies professionnelles);
 - f. l'assurance-chômage.
2. Législations cantonales relatives aux allocations familiales en faveur des travailleurs salariés non agricoles des cantons de Bâle ville et de Bâle-Campagne.

ANNEXE III
DISPOSITIONS MAINTENUES EN VIGUEUR NONOBTANT LES DISPOSITIONS DU PARAGRAPHE 2 DE
L'ARTICLE 5

(Article 5, paragraphe 3)

République fédérale d'Allemagne - Suisse

Convention de sécurité sociale du 25 février 1964, à l'exception de son article 27, et convention complémentaire du 9 septembre 1975.

Belgique - Suisse

Les dispositions relatives à l'assurance-invalidité de la Convention de sécurité sociale du 24 septembre 1975.

France - Suisse

Les dispositions relatives à l'assurance-invalidité de la Convention de sécurité sociale du 3 juillet 1975.

Pays-Bas - Suisse

Les dispositions relatives à l'assurance-invalidité de la Convention de sécurité sociale du 27 mai 1970

ANNEXE IV
PRESTATIONS AUXQUELLES LES DISPOSITIONS DU PARAGRAPHE 2
DE L'ARTICLE 7 SONT APPLICABLES

(Article 7, paragraphe 3)

France

- L'allocation aux vieux travailleurs salariés;
- l'allocation aux vieux travailleurs non salariés;
- le secours viager.

Suisse

- Les rentes extraordinaires de l'assurance-invalidité
- les rentes extraordinaires de l'assurance - vieillesse et survivants ;
- les allocations pour impotents;
- les prestations complémentaires à l'assurance-vieillesse et survivants et à l'assurance-invalidité.

ANNEXE V

**PRESTATIONS AUXQUELLES LES DISPOSITIONS DU PARAGRAPHE 1 DE L'ARTICLE 9 NE SONT PAS
APPLICABLES**

(Article 9, paragraphe 3)

Suisse

- les rentes extraordinaires de l'assurance-invalidité;
- les rentes extraordinaires de l'assurance-vieillesse et survivants;
- les demi-rentes ordinaires de allouées aux invalides dont le degré d'invalidité est inférieur à 50 pour cent;
- les allocations pour impotents;
- les prestations complémentaires à l'assurance-vieillesse et survivants et à l'assurance-invalidité.

ANNEXE VI

LÉGISLATIONS VISEES AU PARAGRAPHE 1 DE L'ARTICLE 25

(Article 25, paragraphe 2)

Belgique

- Législation relative au régime général d'invalidité ;
- Législation relative ' l'assurance contre l'incapacité de travail des travailleurs indépendants.

France

Législation sur l'assurance-invalidité des travailleurs salariés.

Pays-Bas

- Législation relative à. l'assurance contre l'incapacité de travail;
- Législation relative à. l'assurance générale contre l'incapacité de travail.

ANNEXE VII

APPLICATION DES SECTIONS 1 OU 2 DU CHAPITRE 6 DU TITRE III

(Article 61, paragraphe i)

1. Section 1

République fédérale d'Allemagne

Belgique

France

Luxembourg

2. Section 2

Pays-Bas

Suisse

ANNEXE VIII**MONDALITES PARTICULIERES D'APPLICATION DES LEGISLATIONS DES PARTIES CONTRACTANTES**

(Article 87, paragraphe 1)

Application de la législation de la République fédérale d'Allemagne

1. a. Pour autant que la législation allemande en matière d'assurance-accidents ne le prescrive pas déjà, les institutions allemandes indemnisent également, conformément à cette législation, les accidents du travail et les maladies professionnelles survenus en Alsace-Lorraine avant le 1er janvier 1919, dont la charge n'a pas été reprise par des institutions françaises en vertu de la décision du Conseil de la Société des Nations du 21 juin 1921 (Reichsgesetzblatt, p. 1289), tant que la victime ou les survivants résident sur le territoire d'une Partie Contractante.

b. Les dispositions de l'article 9 du présent Accord ne portent pas atteinte aux dispositions de la législation allemande en vertu desquelles les accidents du travail et les maladies professionnelles survenus hors du territoire de la République fédérale d'Allemagne, ainsi que les périodes accomplies hors de ce territoire, ne donnent pas lieu ou ne donnent lieu que dans certaines conditions au paiement de prestations, lorsque les titulaires se trouvent hors du territoire de la République fédérale d'Allemagne.
2. a. Pour déterminer si des périodes considérées par la législation allemande comme périodes d'interruption (Ausfallzeiten) ou périodes complémentaires (Zurechnungszeiten) doivent être prises en compte comme telles, les cotisations obligatoires versées en vertu de la législation d'une autre Partie Contractante et l'affiliation à, l'assurance d'une autre Partie Contractante sont assimilées aux cotisations obligatoires versées en vertu de la législation allemande et à l'affiliation l'assurance-Pensions allemande. Lors du calcul du nombre de mois civils écoulés entre l'affiliation à l'assurance et la réalisation du risque, les périodes assimilées en vertu de la législation d'une autre Partie Contractante qui sont comprises entre ces deux dates ne sont pas prises en considération, de même que les périodes pendant lesquelles l'intéressé a bénéficié d'une pension ou d'une rente.

b. Les dispositions de l'alinéa précédent ne sont pas applicables à la durée forfaitaire d'interruption (pauschale Ausfallzeit). Celle-ci est déterminée exclusivement en fonction des périodes d'assurance accomplies sous la législation allemande.

c. La prise en compte d'une période complémentaire (Zurechnungszeit) en vertu de la législation allemande sur l'assurance-pensions des travailleurs des mines est en outre subordonnée à la condition que la dernière cotisation versée en vertu de la législation allemande ait été versée à l'assurance-pensions des travailleurs des mines.

d. Pour la prise en compte des périodes allemandes de remplacement (Ersatzzeiten), seule la législation allemande est applicable.

e. Par dérogation aux dispositions de l'alinéa précédent, les dispositions suivantes s'appliquent aux affiliés à l'assurance-pensions allemande qui, au cours de la période allant du 1er janvier 1948 au 31 juillet 1963, ont résidé dans les territoires allemands sous administration néerlandaise : pour la prise en compte des périodes allemandes de remplacement (Ersatzzeiten) en vertu du paragraphe 2 de l'article 1251 du Code des assurances sociales (RVO) ou de dispositions correspondantes, le versement de cotisations à l'assurance néerlandaise au cours de cette période est assimilé à l'exercice d'un emploi ou d'une activité relevant de l'assurance obligatoire en vertu de la législation allemande.
3. Si l'application du présent Accord entraîne des charges exceptionnelles pour certaines institutions d'assurance-maladie, ces charges peuvent être totalement ou partiellement compensées. L'Association fédérale des caisses locales de maladie, en tant qu'organisme de liaison (assurance-maladie), décide de cette compensation d'un commun accord avec les autres associations centrales des institutions d'assurance-maladie. Les ressources nécessaires à la compensation sont fournies par des taxes imposées à l'ensemble des institutions d'assurance-maladie, proportionnellement au nombre moyen des membres au cours de l'année précédente, à l'exception des retraités.

4. Les institutions allemandes d'assurance-pensions n'appliquent pas les dispositions du paragraphe 5 de l'article 33 du présent Accord, lorsque :
 - a. la législation en vigueur avant le 1er janvier 1957 concernant le calcul de la pension est applicable ;
 - b. une période complémentaire (Zurechnungszeit) doit être prise en considération ; ou
 - c. un supplément pour enfants ou une majoration de la pension d'orphelin doit être pris en considération.
5. Les dispositions du Chapitre 2 du Titre III du présent Accord ne sont pas applicables à l'assurance-pensions complémentaire des travailleurs de la sidérurgie et à l'aide aux vieux agriculteurs.
6. Les dispositions de l'article 1233 du Code des assurances sociales (RVO) et de l'article 10 de la loi sur l'assurance des employés (AVG), modifiées par la loi du 16 octobre 1972 réformant le régime des pensions, qui régissent l'assurance volontaire dans le cadre des régimes allemands d'assurance-pensions, sont applicables aux personnes admises à bénéficier du présent Accord, selon les modalités suivantes. Si les conditions générales sont remplies, des cotisations volontaires peuvent être versées à l'assurance-pensions allemande, lorsque :
 - a. l'intéressé a son domicile ou sa résidence sur le territoire de la République fédérale d'Allemagne ;
 - b. l'intéressé a son domicile ou sa résidence sur le territoire autre Partie Contractante et a été antérieurement, à un moment quelconque, affilié obligatoirement ou volontairement à l'assurance pensions allemande ;
 - c. l'intéressé a son domicile ou sa résidence sur le territoire d'un Etat tiers, a cotisé pendant soixante mois au moins à l'assurance pensions allemande ou pouvait être admis à l'assurance volontaire en vertu des dispositions transitoires précédemment en vigueur et n'est pas assuré obligatoirement ou volontairement en vertu de la législation d'une autre Partie Contractante.
7. Pour l'assurance obligatoire en vertu de la législation allemande concernant des pensionnés, les périodes d'affiliation à l'assurance-maladie d'une autre Partie Contractante sont assimilées aux périodes d'affiliation à l'assurance-maladie allemande et les périodes de mariage avec un membre de l'assurance-maladie d'une autre Partie Contractante sont assimilées aux périodes de mariage avec un membre de l'assurance maladie allemande.
8.
 - a. Pour l'application du présent Accord, le montant forfaitaire octroyé en vertu de la législation allemande à l'occasion de l'accouchement est considéré comme une prestation en nature.
 - b. Pour l'octroi du montant forfaitaire d'accouchement prévu par la législation allemande, les examens médicaux effectués conformément à la législation d'une autre Partie Contractante visant à assurer pendant la grossesse des soins médicaux suffisants et appropriés sont également pris en considération.
9. Il n'est pas porté atteinte aux réglementations en matière de charges d'assurance dans les accords conclus par la République fédérale d'Allemagne avec d'autres Etats.
10. Lorsque, aux termes de la législation allemande, outre les conditions prévues pour l'application du présent Accord, les conditions prévues pour l'application d'un autre accord ou d'une réglementation supranationale sont satisfaites, l'institution allemande ne tient pas compte, pour l'application du présent Accord, de l'autre accord ou de la réglementation supranationale. Cette règle n'est pas applicable, lorsque les dispositions concernant la sécurité sociale qui découlent pour la République fédérale d'Allemagne des accords internationaux ou du droit supranational ou qui en visent l'application comportent des réglementations en matière de charges d'assurance.
11. Les périodes d'assurance accomplies sous la législation de toute autre Partie Contractante ne sont pas prises en considération pour le nombre minimal d'années nécessaire au calcul de la pension en fonction de revenus minimaux, prévue par la législation allemande.
12. Les pensions d'orphelin prévues par la législation allemande ne sont pas des prestations familiales au sens du présent Accord.

Application de la législation de la Belgique

1. Si le batelier rhénan, qui est soumis à la législation belge applicable aux travailleurs indépendante, exerce concurremment une activité professionnelle comme travailleur salarié sur le territoire autre Partie Contractante, cette dernière activité est assimilée à une activité salariée exercée en Belgique en vue de la fixation des obligations qui résultent de la législation belge relative au statut social des travailleurs indépendants.
2. Pour l'application de la législation belge, il n'est tenu compte d'une période visée à l'article 28, paragraphe 3, alinéa a) ii) du présent Accord que si, pendant cette période, le batelier rhénan était en état d'incapacité de travail au sens de la législation belge.
3. Pour l'application des dispositions de l'article 33 du présent Accord, les périodes d'assurance-vieillesse accomplies sous la législation belge applicable aux travailleurs indépendants, avant l'entrée en vigueur de la législation belge concernant l'assurance contre l'incapacité de travail des travailleurs indépendants, sont considérées comme périodes d'assurance accomplies sous cette dernière législation.
4. Pour l'application, par l'institution compétente belge, des dispositions du chapitre 6 du Titre III du présent Accord, l'enfant est considéré comme étant élevé sur le territoire de la Partie Contractante où il réside.
5. Les personnes dont le droit aux prestations en nature de l'assurance-maladie découle des dispositions du régime belge d'assurance obligatoire contre la maladie et l'invalidité applicable aux travailleurs indépendants bénéficient des dispositions du chapitre 1 du titre III du présent Accord dans les conditions suivantes :
 - a. en cas de séjour sur le territoire Partie Contractante autre que la Belgique, les intéressés bénéficient :
 - i. en ce qui concerne les soins de santé dispensés en cas d'hospitalisation, des prestations en nature prévues par la législation de cette Partie;
 - ii. en ce qui concerne les autres prestations en nature prévues par la législation belge, du remboursement du montant de ces prestations par l'institution compétente belge aux taux prévus par la législation de cette Partie;
 - b. en cas de résidence sur le territoire d'une Partie Contractante autre que la Belgique les intéressés bénéficient des prestations en nature prévues par la législation de cette Partie à condition de verser à l'institution compétente belge la cotisation supplémentaire prévue à cet effet par la législation belge.

Application de la législation de la France

1. L'allocation aux vieux travailleurs salariés est accordée, dans les conditions prévues pour les travailleurs salariés français par la législation française, à tous les travailleurs salariés admis à bénéficier du présent Accord qui, au moment où ils formulent leur demande, résident sur le territoire français.
2. Les dispositions du présent Accord ne portent pas atteinte aux dispositions de la législation française en vertu desquelles sont prises en considération, pour l'ouverture du droit à l'allocation aux vieux travailleurs salariés, uniquement les périodes de travail salarié ou assimilé accomplies sur le territoire des départements européens et des départements d'outre-mer (Guadeloupe, Guyane, Martinique et Réunion) de la République française.
3. Les modalités prévues aux paragraphes 1 et 2 pour l'attribution de l'allocation aux vieux travailleurs salariés sont applicables mutatis mutandis à l'allocation aux vieux travailleurs non salariés.

Application de la législation du Luxembourg

1. Par dérogation aux dispositions du paragraphe 2 de l'article 89 du présent Accord, les périodes d'assurance et les périodes assimilées accomplies avant le 1er janvier 1946 sous la législation luxembourgeoise d'assurance-pensions (invalidité, vieillesse et décès) ne seront prises en considération pour l'application de cette législation que dans la mesure où les droits en cours d'acquisition auront été maintenus au 1er février 1970 ou recouverts ultérieurement conformément à cette seule législation ou aux conventions bilatérales de sécurité sociale en

vigueur ou à conclure par le Luxembourg. Au cas où plusieurs conventions sont appelées à intervenir, les périodes d'assurance et les périodes assimilées sont prises en considération à partir de la date la plus ancienne.

2. Pour l'attribution de la part fondamentale dans les pensions luxembourgeoises, les périodes d'assurance accomplies sous la législation luxembourgeoise par des travailleurs ne résidant pas sur le territoire luxembourgeois sont assimilées à des périodes de résidence.
3. Par dérogation aux dispositions de l'article 33 du présent Accord, la part fondamentale des pensions luxembourgeoises, à charge de l'Etat et des communes, est calculée d'après la législation luxembourgeoise.
4. Le complément dû, le cas échéant, pour parfaire la pension minimale, le supplément pour enfants, ainsi que les majorations spéciales, sont accordés dans la même proportion que la part fondamentale de pension, à charge de l'Etat et des communes.

Application de la législation des Pays-Bas

1. Assurance-maladie

- a. En ce qui concerne le droit aux prestations en nature, le chapitre 1 du Titre III du présent Accord n'est applicable qu'aux personnes qui ont droit aux prestations en nature en vertu de l'assurance obligatoire, de l'assurance des personnes âgées ou de l'assurance volontaire, assurances visées par la loi réglant l'assurance-caisses de maladie (Ziekenfondawet).
- b. Un titulaire de pension de vieillesse en vertu de la législation néerlandaise et d'une pension en vertu de la législation d'une autre Partie Contractante est censé, pour l'application de l'article 21 du présent Accord, avoir droit aux prestations en nature, s'il remplit, compte tenu, le cas échéant, des dispositions de l'article 8 dudit Accord, les conditions requises pour l'admission à l'assurance-maladie des personnes âgées ou à l'assurance volontaire, assurances visées par la loi réglant l'assurance-caisses de maladie. Cette disposition est également applicable à la femme mariée dont le mari est titulaire d'une pension de vieillesse pour personnes mariées en vertu de la législation néerlandaise et remplit les conditions requises pour l'admission à l'assurance-maladie des personnes âgées ou à l'assurance volontaire, assurances visées par la loi réglant l'assurance-caisses de maladie.
- c. Un titulaire de pension de vieillesse en vertu de la législation néerlandaise qui réside sur le territoire d'une Partie Contractante autre que les Pays-Bas est tenu, s'il est assujéti à l'assurance-maladie des personnes âgées ou à l'assurance volontaire visées par la loi réglant l'assurance-caisses de maladie, de payer, pour lui-même et, le cas échéant, pour les membres de sa famille, une cotisation calculée sur la base de la moitié de la moyenne des frais encourus aux Pays-Bas pour les soins médicaux d'une personne âgée et des membres de sa famille. Sur cette cotisation est pratiquée une réduction, à charge de l'assurance obligatoire régie par la loi réglant l'assurance-caisses de maladie, correspondant à celle qui est accordée, à charge de l'assurance obligatoire précitée, aux personnes qui résident aux Pays-Bas et qui sont affiliées à l'assurance-maladie des personnes âgées, pour lesquelles la cotisation est fixée sur la même base.
- d. Une personne non titulaire d'une pension de vieillesse en vertu de la législation néerlandaise et, si elle est mariée, dont le conjoint n'est pas titulaire d'une pension de vieillesse pour personnes mariées en vertu de cette même législation est tenue, si elle réside sur le territoire d'une Partie Contractante autre que les Pays-Bas et si elle est assujétie à l'assurance volontaire visée dans la loi réglant l'assurance-caisses de maladie, de payer, pour elle-même et, le cas échéant, pour chacun des membres de sa famille ayant atteint l'âge de seize ans accomplis, une cotisation équivalente à la moyenne des cotisations fixées par les caisses de maladie néerlandaises pour les assurés volontaires qui résident aux Pays-Bas. Cette cotisation est arrondie au florin supérieur.

2. Assurance-vieillesse générale

- a. Sont également considérées comme périodes d'assurance accomplies sous la législation néerlandaise sur l'assurance-vieillesse générale les périodes antérieures au 1^{er} janvier 1957 durant lesquelles l'intéressé, qui ne remplit pas les conditions lui permettant de bénéficier de l'assimilation de ces périodes aux périodes d'assurance, a résidé sur le territoire des Pays-Bas après l'âge de quinze ans accomplis ou durant lesquelles, tout en résidant sur le territoire d'une autre Partie Contractante, il a

exercé une activité salariée aux Pays-Bas ou sur un bâtiment visé à l'article 1 m) dudit Accord pour un employeur établi dans ce pays.

- b. Il n'y a pas lieu de tenir compte des périodes à prendre en considération en vertu du paragraphe précédent, lorsqu'elles coïncident avec des périodes d'assurance accomplies sous la législation relative aux pensions de vieillesse d'un Etat autre que les Pays-Bas.
- c. Dans le cas de la femme mariée dont le mari a droit à une pension prévue par la législation néerlandaise sur l'assurance-vieillesse générale, sont également prises en considération comme périodes d'assurance les périodes antérieures à la date o. l'intéressée a atteint l'âge de soixante-cinq ans accomplis et pendant lesquelles, étant mariée elle a résidé sur le territoire de l'une ou de plusieurs des Parties Contractantes, pour autant que ces périodes coïncident avec les périodes d'assurance accomplies par son mari sous cette législation et avec celles à prendre en considération en vertu de l'alinéa a) du présent paragraphe.
- d. Il n'y a pas lieu de tenir compte de périodes à prendre en considération, dans le cas de la femme mariée, en vertu de l'alinéa précédent, lorsqu'elles coïncident avec des périodes d'assurance accomplies sous la législation relative aux pensions de vieillesse d'un Etat autre que les Pays-Bas ou avec des périodes pendant lesquelles elle a bénéficié d'une pension de vieillesse en vertu d'une telle législation.
- e. Dans le cas de la femme qui a été mariée et dont le mari a été soumis à la législation néerlandaise sur l'assurance-vieillesse générale ou est censé avoir accompli des périodes d'assurance au sens de l'alinéa a) du présent paragraphe, les dispositions des deux paragraphes précédents sont applicables par analogie.
- f. Les périodes antérieures au 1er janvier 1957 ne sont prises en considération pour le calcul de la pension de vieillesse que si l'intéressé a résidé durant six ans sur le territoire de l'une ou de plusieurs des Parties Contractantes après l'âge de cinquante-neuf ans accomplis et s'il réside sur le territoire de l'une de ces Parties.

3. Assurance générale des veuves et des orphelins

- a. Pour l'application des dispositions de l'article 33 du présent Accord, sont également considérées comme périodes accomplies sous la législation néerlandaise sur l'assurance générale des veuves et des orphelins les périodes antérieures au 1er octobre 1959 durant lesquelles le défunt a résidé sur le territoire des Pays-Bas après l'âge de quinze ans accomplis ou pendant lesquelles, tout en résidant sur le territoire d'une autre Partie Contractante, il a exercé une activité salariée aux Pays-Bas ou sur un bâtiment visé à l'article 1 m) dudit Accord pour un employeur établi dans ce pays.
- b. Il n'y a pas lieu de tenir compte des périodes à prendre en considération en vertu de précédent, lorsqu'elles coïncident avec des périodes d'assurance accomplies sous la législation relative aux prestations de survivants d'un Etat autre que les Pays-Bas.

4. Assurance contre l'incapacité de travail

Pour l'application des dispositions de l'article 33 du présent Accord, les institutions néerlandaises appliqueront les dispositions suivantes :

- a. si le batelier rhénan, au moment où s'est produite l'incapacité de travail suivie d'invalidité, était un travailleur salarié, l'institution compétente fixe le montant des prestations en espèces conformément aux dispositions de la loi du 18 février 1966 relative à l'assurance contre l'incapacité de travail (WAO), en tenant compte :
 - des périodes d'assurance accomplies sous la loi du 18 février 1966 précitée (WAO);
 - des périodes d'assurance accomplies après l'âge de quinze ans sous la loi du 11 décembre 1975 relative à l'incapacité de travail (AAW), dans la mesure où celles-ci ne coïncident pas avec les périodes d'assurance accomplies par l'intéressé sous la loi du 18 février 1966 précitée (WAO), et
 - des périodes de travail salarié et des périodes assimilées accomplies avant le 1er juillet 1967 aux Pays-Bas ou sur un bâtiment visé à l'article 1 in) de cet Accord, pour un employeur établi dans ce pays;

- b. si le batelier rhénan, au moment où s'est produite l'incapacité de travail suivie d'invalidité, était un travailleur indépendant, l'institution compétente fixe le montant des prestations en espèces conformément aux dispositions de la loi du 11 décembre 1975 relative à l'incapacité de travail (AAW), en tenant compte :
 - des périodes d'assurance accomplies par l'intéressé après l'âge de quinze ans sous la loi du 11 décembre 1975 précitée (AAW);
 - des périodes d'assurance accomplies sous la loi du 18 février 1966 relative à l'assurance contre l'incapacité de travail (WAO), dans la mesure où celles-ci ne coïncident pas avec des périodes d'assurance accomplies sous la loi du 11 décembre 1975 précitée (AAW), et
 - des périodes de travail salarié et des périodes assimilées accomplies avant le 1er juillet 1967 aux Pays-Bas ou sur un bâtiment visé à l'article 1 m) de cet Accord, pour un employeur établi dans ce pays.

5. Assurance facultative continuée

Le principe d'égalité de traitement énoncé à l'article 7 du présent Accord ne s'applique pas aux assurances facultatives de vieillesse et de survivants en ce qui concerne le paiement des cotisations réduites.

Application de la législation de la Suisse

1. Le principe de l'égalité de traitement énoncé à l'article 7 du présent Accord ne s'applique pas aux dispositions de la législation fédérale sur l'assurance-vieillesse et survivants et sur l'assurance-invalidité relatives : à l'assurance facultative des ressortissants suisses à l'étranger ; aux allocations de secours versées à des ressortissants suisses résidant à l'étranger.
2. Les mesures d'ordre professionnel, les mesures de formation scolaire spéciale et les mesures en faveur des mineurs impotents prévues par la législation fédérale sur l'assurance-invalidité constituent des prestations en espèces.
3. En ce qui concerne les mesures de réadaptation prévues par la législation fédérale sur l'assurance-invalidité :
 - a. les bateliers rhénans peuvent prétendre au bénéfice desdites mesures, pour autant qu'ils aient exercé de façon permanente un emploi à plein temps sur un bâtiment enregistré en Suisse, immédiatement avant le moment où ils doivent bénéficier de ces mesures ;
 - b. les épouses et les veuves qui pas d'activité lucrative, ainsi que les enfants mineurs des bateliers rhénans, peuvent prétendre au bénéfice desdites mesures, aussi longtemps qu'ils conservent leur domicile en Suisse, pour autant qu'ils y aient résidé d'une manière ininterrompue au moins pendant une année précédant immédiatement le moment où ils doivent bénéficier de ces mesures. Toutefois, la durée de résidence est considérée comme ininterrompue lorsque le séjour hors du territoire suisse n'excède pas deux mois au cours d'une année;
 - c. les enfants mineurs des bateliers rhénans peuvent en outre prétendre au bénéfice desdites mesures, lorsqu'ils ont leur domicile en Suisse et y sont nés invalides ou y ont résidé d'une manière ininterrompue depuis leur naissance.
4. Les dispositions de l'article 35, paragraphe 3 du présent Accord ne s'appliquent qu'en cas d'invalidité, selon les modalités suivantes : le batelier rhénan qui est contraint d'abandonner son activité sur un bâtiment enregistré en Suisse à la suite d'une maladie ou d'un accident, mais dont l'état d'invalidité est constaté dans ce pays, est considéré comme étant assuré au sens de la législation suisse pour une durée d'une année à compter de la date de l'interruption de travail suivie d'invalidité.
5. En ce qui concerne l'application des dispositions de l'article 7, paragraphe 2, du présent Accord :
 - a. les bateliers rhénans ont droit aux rentes extraordinaires de l'assurance-invalidité aux mêmes conditions que les ressortissants suisses, aussi longtemps qu'ils conservent leur domicile en Suisse, si, immédiatement avant la date à partir de laquelle ils demandent la rente, ils ont résidé en Suisse de manière ininterrompue pendant cinq années;

- b. les bateliers rhénans, respectivement leurs survivants, ont droit aux rentes extraordinaires de l'assurance- vieille et survivants aux mêmes conditions que les ressortissants suisses, aussi longtemps qu'ils conservent leur domicile en Suisse, si, avant la date à partir de laquelle ils demandent la rente, ils ont résidé en Suisse pendant dix années, dont cinq années consécutives immédiatement avant cette date, lorsqu'il s'agit d'une rente de vieillesse, et pendant cinq années consécutives immédiatement avant cette date, lorsqu'il s'agit d'une rente de survivants ou d'une rente de vieillesse venant à se substituer à une rente d'invalidité ou de survivants;
- c. les bateliers rhénans, respectivement leurs survivants, ont droit aux prestations complémentaires à l'assurance-vieillesse et survivants et à l'assurance-invalidité aux mêmes conditions que les ressortissants suisses, aussi longtemps qu'ils conservent leur domicile en Suisse, si, immédiatement avant la date à partir de laquelle ils demandent les prestations complémentaires, ils ont résidé en Suisse d'une manière ininterrompue pendant quinze années;
- d. la durée de résidence mentionnée aux alinéas a) à c) du présent paragraphe est considérée comme ininterrompue, lorsque le séjour hors du territoire suisse pas trois mois au cours d'une année civile.

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