

N° 826.

**AUTRICHE
ET TCHÉCOSLOVAQUIE**

Convention concernant la levée du séquestre des dépôts et la reconnaissance mutuelle des estampilles de contrôle apposées sur les valeurs mobilières, signée à Prague, le 2 août 1920.

**AUSTRIA
AND CZECHOSLOVAKIA**

Convention concerning the Release of Deposits on which an Embargo had been placed and the Mutual Recognition of the Marks affixed to Securities for Purposes of Control, signed at Prague, August 2, 1920.

TEXTE ALLEMAND. — GERMAN TEXT.

No. 826. — ÜBEREINKOMMEN¹ ZWISCHEN DEN REGIERUNGEN DER ÖSTERREICHISCHEN UND TSCHECHOSLOWAKISCHEN REPUBLIK, BETREFFEND DIE FREIGABE VON GESPERRTEN DEPOTS UND DIE GEGENSEITIGE ANERKENNUNG DER KONTROLLBEZEICHNUNG VON WERTPAPIEREN, GEZEICHNET ZU PRAG DEN 2. AUGUST 1920.

German and Czech official texts communicated by the Minister of the Czechoslovak Republic at Berne. The registration of this Convention took place February 25, 1925.

Auf Grund der zwischen den Vertretern des Österreichischen Staatsamtes für Finanzen und des Tschechoslovakischen Finanzministeriums geführten Verhandlungen wird Folgendes vereinbart :

A.

Artikel I.

I. Unvorgreiflich etwaiger weitergehender Verfügungen inländischer Gesetze und Verordnungen, verpflichtet sich die österreichische Regierung, die auf ihrem Staatsgebiete in amtlicher, bankmässiger oder in einer ähnlichen der Sperre unterliegenden Verwahrung befindlichen offenen, geschlossenen und Safe-Depots, soweit sie Wertpapiere (einschliesslich von Einlagebüchern) fremde Valuten, gemünztes oder ungemünztes (verarbeitetes oder unverarbeitetes) Edelmetall, Perlen und Edelsteine enthalten, nach Abzug der darauf haftenden Spesen, zu denen auch die Gebühren für die Kontrollbezeichnung der Wertpapiere gehören, von den darüber verhängten Sperrungen freizugeben, wenn es sich um Eigentum von Personen handelt, die :

- a) das tschechoslowakische Staatsbürgerrecht besitzen, wobei es keinen Unterschied macht, ob ihnen das Staatsbürgerrecht gemäss den Bestimmungen des Friedensvertrags von St. Germain bzw. der damit zusammenhängenden Staatsverträge *ipso facto* zukommt, oder ob es auf Grund dieser Bestimmungen im Wege der Option erworben wird ;
- b) in österreichischen Staatsgebieten keinen Wohnsitz haben ;
- c) das Ansuchen um Freigabe längstens innerhalb einer Frist bis zum Ablaufe von drei Monaten nach Inkrafttreten des Friedensvertrages von St. Germain stellen. Für den Fall, als dieses Übereinkommen nicht spätestens am 15. August 1920 in Kraft tritt, läuft diese dreimonatliche Frist vom Tage des Inkrafttretens dieses Übereinkommens. Personen, welche das tschechoslowakische Staatsbürgerrecht im Wege der Option erwerben, kommt eine einmonatliche Frist zustatten, welche erst mit dem Tage der rechtmässigen Optionserklärung zu laufen beginnt.

¹ The exchange of ratifications took place at Prague, August 10, 1920.

¹ TRANSLATION.

N^o 826. — CONVENTION BETWEEN AUSTRIA AND CZECHOSLOVAKIA CONCERNING THE RELEASE OF DEPOSITS ON WHICH AN EMBARGO HAD BEEN PLACED AND THE MUTUAL RECOGNITION OF THE MARKS AFFIXED TO SECURITIES FOR PURPOSES OF CONTROL, SIGNED AT PRAGUE, AUGUST 2, 1920.

Following upon the negotiations conducted by Representatives of the Austrian Federal Department of Finance and of the Czechoslovak Ministry of Finance, the following articles have been agreed upon :

A.

Article I.

(1) Without prejudice to more extensive provisions which may subsequently be made in domestic laws and decrees, the Austrian Government undertakes to raise the embargo on book deposits (*offene Dépôts*), specific deposits (*geschlossene Dépôts*) or safe deposits within its territory which are in the keeping of banks or in Government or any similar form of custody covered by the embargo in so far as these deposits comprise securities (including deposit books), foreign currencies, precious metals, whether coined or uncoined (worked or not), pearls and precious stones, after deducting any charges due thereon, such charges including fees payable for the affixing of marks for control purposes, provided that such deposits are the property of persons who :

- (a) possess Czechoslovak nationality, no distinction being made between those who have acquired such nationality *ipso facto* under the provisions of the Treaty of St. Germain or the inter-State treaties in connection therewith, and those who have obtained it by exercising the right of option under the aforesaid provisions ;
- (b) are not domiciled in the territory of the Austrian State ;
- (c) file an application for release from the embargo not later than three months after the coming into force of the Treaty of St. Germain. Should this treaty not have come into force on August 15, 1920, at latest, the three months shall run as from the date upon which it comes into force. Persons acquiring Czechoslovak nationality by option shall be allowed a period of one month, to be reckoned as from the date of the legal declaration of option.

(2) The provisions of paragraph 1 are equally applicable, *mutatis mutandis*, to juridical persons, and also to such independent business organisations of similar legal status as are situate within the territory of the Czechoslovak Republic, or may hereafter be granted the status of legal persons in Czechoslovakia. The Austrian Government is, however, not bound to release the deposits of such legal persons in the event of their being subsequently granted the status of legal persons under

¹ Translated by the Secretariat of the League of Nations.

Austrian Law, in pursuance of the Treaty of St. Germain or of any other conventions which may hereafter be concluded between the two States.

(3) If the deposits to be released are not actually in the custody of Austrian deposit offices, but are only formally lodged with them, while the documents of title or the valuables are held outside the territory of the Austrian State, the Austrian Government undertakes to authorise the drawing up and issuing of the documents requisite for disposal, or to draw up and issue such documents itself in respect of deposits in State custody.

(4) Neither a tax on fortune nor any other tax likely to hinder or prevent release shall be levied on the securities or valuables defined in this article, nor shall any other Government regulations having a like effect be applied to them. Any measures intended as a safeguard, or other measures incompatible with the above provisions, shall be annulled by the Austrian Government.

(5) To enable military persons of Czechoslovak nationality to obtain free possession of the securities pledged as military marriage security (*Militärheiratskaution*), the Austrian Government undertakes to simplify and expedite to the utmost any preliminary procedure (*conversion of securities to "bearer"*) required for release.

Article II.

(1) The Czechoslovak Government undertakes to raise the embargo on book deposits (*offene Dépôts*), specific deposits (*geschlossene Dépôts*) or safe deposits within its territory which are in the keeping of banks or in Government or any similar form of custody covered by the embargo, so far as these deposits comprise securities (including deposit books), foreign currencies, precious metals, whether coined or uncoined (worked or not) pearls and precious stones, after deducting any charges due thereon, such charges including fees payable for the affixing of marks for control purposes when such deposits are the property of persons who :

- (a) possess Austrian nationality, no distinction being made between those who have acquired such nationality *ipso facto* under the provisions of the Treaty of St. Germain or the inter-State treaties in connection therewith, and those who have obtained it by exercising the right of option under the aforesaid provisions ;
- (b) are not domiciled in the territory of the Czechoslovak State ;
- (c) file an application for release not later than three months after the coming into force of the Treaty of St. Germain. Should this treaty not have come into force on August 15, 1920, at latest, the three months shall run as from the date upon which it comes into force. Persons acquiring Austrian nationality by option are allowed a period of one month, to be reckoned as from the date of the legal declaration of option.

(2) The provisions of paragraph 1 are equally applicable, *mutatis mutandis*, to juridical persons, and also to such independent business organisations of similar legal status as are situate within the territory of the Austrian State, or may hereafter be granted the status of legal persons in Austria. The Czechoslovak Government is, however, not bound to release the deposits of such legal persons in the event of their being subsequently granted the status of legal persons under Czechoslovak law, in pursuance of the Treaty of St. Germain, or of any other conventions which may hereafter be concluded between the two States.

(3) If the deposits to be released are not actually in the custody of Czechoslovak deposit offices (places of custody) but are only formally lodged with them, while the documents of title or the valuables are held outside the territory of the Czechoslovak State, the Czechoslovak Government

undertakes to authorise the drawing up and issuing of the documents requisite for disposal, or to draw up and issue such documents itself in respect of deposits in State custody.

(4) Neither a tax on fortune nor any other tax likely to hinder or prevent release shall be levied on the securities or valuables defined in this article, nor shall any other Government regulations having a like effect be applied to them. Any measures intended as a safeguard, or other measures incompatible with the above provisions, shall be annulled by the Czechoslovak Government.

(5) To enable military persons of Austrian nationality to obtain free possession of the securities pledged as military marriage security (*Militärheiratskaution*) the Czechoslovak Government undertakes to simplify and expedite to the utmost any preliminary procedure (conversion of securities to "bearer") required for release.

Article III.

(1) Release of deposits held within the territory of one of the Contracting States in the name of a bank (credit establishments, persons lawfully engaged in banking business) established in the territory of the other State shall be granted in respect of such portion thereof as is the property of the bank in whose name the deposit is lodged, or that of any person fulfilling the conditions laid down in Articles I and II for whom that bank has acted, on receipt of a schedule drawn up by the depositing bank and bearing a certificate by the Government of the State in which the depositing bank is situate expressly stating that these conditions are fulfilled. As regards the balance of deposits lodged in the name of a bank, release is conditional upon a special order by the fiscal authorities of the State in which the deposit is lodged. Both Governments declare, however, that the property of nationals of States other than the Contracting States shall at all events be released if the owner have not been domiciled or resident for more than five years in the territory of the State in which the deposit is held, and have not followed a remunerative occupation there during that time.

(2) The release of property other than that specified in paragraph 1 shall be obtainable on application by the party concerned, such application to be forwarded, accompanied by proof that the conditions governing release have been fulfilled, either directly to the fiscal authorities of the other State within whose jurisdiction either the owner's residence or the place of deposit is situated or to an office to be designated by the financial authorities of the recovering State. In the latter case the Government of the recovering State shall certify that the conditions laid down in Articles I and II have been fulfilled and shall transmit the application to the financial authorities of the other State.

Article IV.

The regulations in force in both States respecting the marking of securities for the purpose of control and the payment of the relative fees shall not be affected by this Convention. Furthermore, both Governments expressly reserve the right, before releasing Austrian War Loan Bonds deposited within its territory, to affix thereto a special mark indicating the nationality of the owner and the place of deposit.

Article V.

Liens in respect of taxes, and legal security for dues on transfers of property effected without valuable consideration in return, shall not be an obstacle to release, provided the party concerned

agrees to the deposit being handed over to the State to which the applicant belongs. The recipient State undertakes, however, to safeguard such rights of lien and security, provided they accrued before August 1, 1920, and to give legal assistance for the collection of the amounts relating to such secured claims of the other State.

In case of persons opting for nationality who are entitled to the extended period under Article I, paragraph 1, sub-paragraph (c) (or Article II, paragraph 1, sub-paragraph (c) as the case may be), legal assistance shall be granted in respect of rights of lien and security which may have accrued up to the expiration of this period.

B.

(1) Payment shall be made, without further proof being required, on securities payable in one of the two States (home securities) if they bear the control mark of the other State.

(2) Either the marked document of title or a certificate in which a bank declares, as depositary, that the person concerned has taken the necessary steps to obtain the control mark shall be required for the payment of coupons not bearing the control mark but belonging to documents of title which do bear such mark.

(3) Payment shall be made in the currency of the State in which the debtor is domiciled, even if actual payment should be made abroad, as, for instance, in the case of a Czechoslovak security in Vienna or in the case of an Austrian security in Prague.

(4) Where securities are marked for purposes of control in the other State, both Governments agree to take this as proof that such securities were abroad on the decisive date governing the affixing of such marks and therefore to admit them into internal circulation with or without a special mark being affixed.

(5) Both parties declare that the provisions agreed to in paragraphs 1-4 regarding the cashing of coupons and admittance to internal circulation do not apply to the Loan Bonds of the former Austrian State.

C.

Both Governments shall require credit establishments situate within their territory and persons who are lawfully engaged in banking business to report, through their own financial administrative authorities, to those of the other State, any deposits held by them and belonging to nationals of the other State which are liable to release under this Convention but have not been so released in the absence of any application, provided they possess the data necessary to determine the fact.

D.

Where the term "territory" of any State is used in the present Convention, it shall be taken to mean the territory of that State as defined by the Treaty of St. Germain or by the inter-State treaties, supplementary treaties and measures of execution connected therewith.

E.

This Convention shall come into force on the date of the exchange of notes recording the approval of the two Governments concerned.

PRAGUE, *August 2, 1920.*

For the Austrian Government :

(Signed) Dr. RUDOLPH EGGER,
*Financial Counsellor in the Austrian Federal
Department of Finance.*

For the Czechoslovak Government :

Dr. BOHUMIL VLASÁK,
*Head of Section
at the Department of Finance.*