

N° 2393.

AUTRICHE ET BELGIQUE

Convention pour le règlement définitif des questions résultant des sections III et IV de la partie X du Traité de Saint-Germain, avec protocoles additionnels. Signés à La Haye, le 18 janvier 1930.

AUSTRIA AND BELGIUM

Convention for the Final Settlement of the Questions resulting from Sections III and IV of Part X of the Treaty of Saint-Germain, with Additional Protocols. Signed at The Hague, January 18, 1930.

¹ TRADUCTION. — TRANSLATION.

No. 2393. — CONVENTION ² BETWEEN BELGIUM AND AUSTRIA FOR THE FINAL SETTLEMENT OF THE QUESTIONS RESULTING FROM SECTIONS III AND IV OF PART X OF THE TREATY OF SAINT-GERMAIN. SIGNED AT THE HAGUE, JANUARY 18, 1930.

French official text communicated by the Belgian Minister for Foreign Affairs. The registration of this Convention took place July 14, 1930.

HIS MAJESTY THE KING OF THE BELGIANS and THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA being desirous of finally settling the questions relating to Sections III and IV of Part X of the Treaty of Saint-Germain, have to this end appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BELGIANS :

M. HYMANS, Minister for Foreign Affairs, Minister of State, and

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA :

Dr. Otto JUCH, Federal Finance Minister ;

Who, having communicated their full powers, found in good and due form, have agreed to the following provisions :

Article 1.

The Belgian Government will cease, as from the signature of the present Convention, to exercise its right to retain the property, rights and interests which, at the date of the coming into force of the Treaty of Saint-Germain, belonged to nationals of the former Empire of Austria or to companies controlled by those nationals, in so far as the said property, rights and interests are not already liquid or liquidated, or finally disposed of by retention, amicable agreements or otherwise.

The net proceeds of the liquidation of the assets in Belgium of the Postsparkassen-Amt of Vienna shall also be released from sequestration.

Article 2.

The releases from sequestration to which reference is made in the preceding Article do not invalidate any acts done during the sequestration. The competent Belgian authorities will not

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.

² The exchange of ratifications took place at Paris, May 8, 1930.

refuse to furnish those entitled thereto with such information as the latter, or the Austrian Federal Government, may request in regard to the administration of the sequestered property.

The debts and other obligations of the sequestered property, not being settled as at to-day's date out of the proceeds and income accruing from the sequestration, will be taken over by the beneficiary of the restitution.

Article 3.

The property, rights and interests released from sequestration will be held, with their proceeds, at the free disposal of their owners on the expiry of a period of six months from the coming into force of the present Convention, after payment by the said owners of all costs, fees or other charges involved in the sequestration, and on production of a certificate delivered by the Austrian Federal Government, confirming that the interested parties have fulfilled their obligations to it.

The Belgian Government will furnish the Austrian Federal Government with a summary list of the property for restitution, with an approximate valuation of the same.

The right of the beneficiaries of restitution to resume possession will lapse after a period of three years from the coming into force of the present Convention.

The restitution will be effected by the Belgian Government to those persons in whose names the property was placed under sequester. Third parties having rights to enforce must exercise such rights within the period of six months indicated in the first paragraph of the present Article.

The Austrian Federal Government will furnish the Belgian Government at its request as far as possible with all necessary information as to the rights of ownership and identity of the claimants. The Belgian State and the sequesteror shall not be held in any way responsible for restitutions made in error on the basis of such information.

If the beneficiaries of the restitution so request, the "Administration des Domaines de Belgique" will undertake the realisation to the best of their advantage of the whole or part of the property to be restituted. They will comply for this purpose with the regulations at present in force, after taking the opinion of the owners concerned.

Article 4.

It is understood that the Belgian Government will cease to claim the deliveries of securities in execution of paragraph 10 of the Annex to Section IV of Part X of the Treaty of Saint-Germain, the Austrian Federal Government being considered to have fulfilled its obligations by the deliveries it has made.

Article 5.

The net proceeds of the Austrian property, rights and interests not restituted under the preceding provisions, and the amount, with accrued interest, of the Austrian claims notified to the Belgian Clearing Office and not finally withdrawn as at to-day's date, will be assigned by the Belgian Government to the payment of the Belgian claims of all kinds resulting from the execution of Sections III and IV of Part X of the Treaty of Saint-Germain.

The Belgian Government will alone decide as to the payments to be made in virtue of the above provisions.

Article 6.

As from the coming into force of the present Convention, the clearing procedure for which provision is made in Article 248 of the Treaty of Saint-Germain, will be concluded as between Belgium and Austria under the following conditions :

(a) All Belgian and Austrian claims notified in accordance with the clearing procedure, which are not yet carried to credit or withdrawn, and have not formed the object of amicable agreements, will be considered as between the Clearing Offices as having been settled by the clearing process.

This provision also applies to claims already before the Mixed Arbitral Tribunal. Cases which have not yet come up for consideration will be treated as concluded unless, within a period of six months, the Agent-General of the Belgian Government or the Agent-General of the Austrian Federal Government requests the Secretariat of the Austro-Belgian Mixed Arbitral Tribunal to retain such cases on the list ;

(*b*) Within the limits of the national legislation of each of the two interested countries, and of such provisions as may be introduced by the two Governments in the future, each of the Clearing Offices will settle the claims and debts to which the present Article relates with the parties concerned. In particular the Belgian Office and the Austrian Office may, at their discretion, refuse to meet any claims which have not been established as well-founded, and may limit the amount payable in money or in securities and the terms of payment thereof. This provision will apply to all payments to which reference is made in Article 5 above.

The Debtor Clearing Office shall succeed to the rights of the creditor. To facilitate the action of the Debtor Clearing Office for the recovery of the debts, the Creditor Clearing Office agrees to take any joint decision which the Debtor Clearing Office may request within a period of one year. The Debtor Clearing Office will, in case of necessity, submit to the Credit Clearing Office a draft joint decision already signed by itself. The interested party will have the right to appeal against such joint decision to the Mixed Arbitral Tribunal, in conformity with paragraph 20 of the Annex to Article 248 of the Treaty of Saint-Germain.

Article 7.

Save in so far as otherwise provided in paragraph *a*) of Article 6 above, the two Clearing Offices mutually undertake to procure and to furnish each other as far as possible with all documentary evidence requested or required for the proof of the existence or non-existence of the claims governed by this Convention.

In the matter of the claims referred to in Articles 5 and 6, the Creditor State will guarantee the Debtor State and the debtor against all appeal or litigation on the part of the Creditor, and will bear the costs of any such appeal or litigation.

Article 8.

As from the coming into force of the present Convention, the costs of the Mixed Arbitral Tribunal in connection with the presidency and the secretariat, will be defrayed by each of the two countries in proportion to the number of cases brought in the course of the year under the preceding Articles.

Articles 5, 6 and 7 above will be brought to the notice of the Mixed Arbitral Tribunal.

Article 9.

The proceeds to which reference is made in Article 5 of the present Convention will also be assigned by the Belgian Government to the payment of the share of the Austrian Federal Government in the coupons which fell due between November 4, 1928, and July 16, 1920, on the following loans of the Austrian pre-war unsecured public debt :

(*a*) 5 % Unified Rente 1868 (expressed in paper florins ; interest payable Feb. 1 - Aug. 1) ;

(*b*) 5 % Unified Rente 1868 (expressed in silver florins : interest payable April 1 - Oct. 1) ;

(*c*) 4 % Conversion Rente 1903 (expressed in crowns ; interest payable Jan. 1 - July 1, and May 1 - Nov. 1).

These payments will be made in conformity with the two following Articles.

Article 10.

In execution of Article 248, No. 4, paragraph 2 of the Treaty of Saint-Germain, and of decision No. 2346 of January 23, 1923, of the Reparation Commission, the share in the coupons in question for which Austria is responsible is fixed at 71,348 %, the balance of 28,652 % being at the charge of the Hungarian Government without solidarity of any kind between the two debtor States.

The Austrian share will be paid at the rate of 37 Belgian centimes per crown and 74 Belgian centimes per paper florin or silver florin.

Article 11.

The aforesaid coupons shall be deposited with the Banque Nationale de Belgique within a period of two months from the coming into force of the present Convention.

No documentary evidence will be required of the holders, if the Banque Nationale de Belgique finds that they are entitled to the benefits of the Convention concluded on June 2, 1923, between Belgium and Austria with regard to the settlement of the arrears on the Austrian unsecured public debt, up to November 3, 1918, and if they submit the complete series of the coupons which fell due between November 4, 1918, and July 16, 1920.

Where these two conditions are not fulfilled, the holders will have to furnish proof that their securities were Belgian property on August 28, 1914. If they are not in a position to furnish such proof, they will have to submit a declaration under Article 496 of the Belgian Penal Code, and subject to the penalties of the latter, certifying that the securities were Belgian property on August 28, 1914. The holders will be required to prove their Belgian nationality at the moment of deposit of the coupons.

The Banque Nationale de Belgique will examine the papers and will reject applications not supported by adequate documentary proof. Failing the submission of the required documentary proof within one year from the expiry of the aforesaid period of two months, the Belgian Government will declare the claims to have lapsed.

The paid coupons will be handed over to the Austrian Federal Government.

Article 12.

Differences as to the interpretation or execution of the present Convention will be submitted to the Mixed Arbitral Tribunal, or after the closing of the latter's activities, to an arbitral tribunal composed of a national of each of the two High Contracting Parties, with a third arbitrator acting as chairman and belonging to a nation which took no part in the War.

The chairman will be appointed by common agreement between the two parties. In the event of such an agreement not being reached within a period of three months from the request of one of the parties, the third arbitrator will be appointed by the President of the Permanent Court of International Justice at The Hague.

Article 13.

Save in so far as they are contrary to the present Convention, the agreements concluded between Belgium and Austria on October 4, 1920, June 2, 1923, July 28, 1925 and February 25, 1927, remain in force.

Article 14.

The present Convention will be ratified and will come into force after the exchange of the instruments of ratification, and at the latest at the same time as the treaties or agreements to be

concluded with relation to the final settlement provided for, in the case of Austria, by No. 4 *b* of the Final Protocol of the Hague Conference of August 31, 1929.

In faith whereof the respective Plenipotentiaries have signed the present Convention.

Done at The Hague in duplicate French texts, January the eighteenth, 1930.

For Belgium :
(Signed) HYMANS.

For Austria :
(Signed) JUCH.

ADDITIONAL PROTOCOL No. 1.

In signing the Convention between Belgium and Austria of to day's date with regard to the final settlement of the questions arising out of Sections III and IV of Part X of the Treaty of Saint-Germain, the undersigned Plenipotentiaries have agreed to fix forfeit at a lump sum of 4 million Belgian francs the proceeds and amounts with accrued interest to which reference is made in Article 5 of the said Convention (including the securities to which reference is made in Article 4), to be retained by Belgium to make the payments for which the Convention provides. This sum of 4 millions includes the credit balance of the Austrian Clearing Office as at December 31, 1929, amounting to 2,687,000 Belgian francs. Consequently any sum not yet credited at the latter date over and above 1,313,000 Belgian francs will be returned to Austria, and any sum falling short of this figure will be retained out of the net proceeds of the liquidation of property to be deducted from the property for restitution.

The Hague, January 18, 1930.

For Belgium :
(Signed) HYMANS.

For Austria :
(Signed) JUCH.

ADDITIONAL PROTOCOL No. 2.

In signing the Convention between Belgium and Austria of to-day's date with regard to the final settlement of the questions arising out of Sections III and IV of Part X of the Treaty of Saint-Germain, the undersigned Plenipotentiaries have agreed to declare that the Belgian and Austrian Clearing Offices will be required to come to an agreement within the limits of the provisions of the said Convention, in regard to the formalities necessary to safeguard their respective interests, in particular in connection with the settlement of the claims which the Société Générale de Belgique has lodged against the Vienna-Aspang Railway.

The Hague, January 18, 1930.

For Belgium :
(Signed) HYMANS.

For Austria :
(Signed) JUCH.