

N° 2392.

ALLEMAGNE ET BELGIQUE

Accord pour le règlement définitif des questions résultant des sections III à VII de la partie X du Traité de Versailles. Signé à Bruxelles, le 16 janvier 1930.

GERMANY AND BELGIUM

Agreement for the Final Settlement of the Questions resulting from Sections III to VII of Part X of the Treaty of Versailles. Signed at Brussels, January 16, 1930.

Fait à Bruxelles, en double exemplaire, en français et en allemand, le 16 janvier 1930.

Ausgefertigt in Brüssel in doppelter Urschrift, in deutscher und französischer Sprache, am 16 Januar 1930.

Pour la Belgique :
Le Ministre des Affaires étrangères,
(Signé) HYMANS.

Für das Deutsche Reich :
Der Deutsche Gesandte in Brüssel,
(Signé) HORSTMANN.

Für das Deutsche Reich :
Der Deutsche Gesandte in Brüssel,
(Gezeichnet) HORSTMANN.

Für Belgien :
Der Minister der Auswärtigen
Angelegenheiten,
(Gezeichnet) HYMANS.

¹ TRADUCTION. — TRANSLATION.

No. 2392. — AGREEMENT BETWEEN BELGIUM AND GERMANY FOR THE FINAL SETTLEMENT OF THE QUESTIONS RESULTING FROM SECTIONS III TO VII OF PART X OF THE TREATY OF VERSAILLES. SIGNED AT BRUSSELS, JANUARY 16, 1930.

Following upon the Agreement signed in Berlin on July 13, 1929, with regard to German property, rights and interests in Belgium, THE BELGIAN and GERMAN GOVERNMENTS have agreed to the following provisions :

Article I.

It is understood that no payment over and above the annuities for which provision is made in the Young Plan may be required of Germany in respect of the claims to which reference is made in Sections III to VII of Part X of the Treaty of Versailles.

It is further understood that the German State shall have no right to the repayment of any final balance which may remain to its credit after bringing into the accounts between the German-Belgian Clearing Offices all the credit items for which provision is made in Articles 296 and 297 of the Treaty of Versailles.

Credit notices will cease to be exchanged between the said Offices.

The Belgian Government will continue to furnish the German Government, at the latter's request, with all information in regard to the liquidations of German property effected in Belgium.

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.

Article 2.

As from the coming into force of the present Agreement, the clearing procedure for which provision is made in Article 296 of the Treaty of Versailles will be concluded as between Belgium and Germany, in accordance with the following provisions :

1. All Belgian and German claims notified in accordance with the clearing procedure, which are not yet carried to credit or withdrawn, 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 four months the Agent General of the Belgian Government requests the Secretariat of the German-Belgian Mixed Arbitral Tribunal to retain such cases on the list.

2. 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 Agreement relates with the parties concerned.

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 six months. The Debtor Clearing Office will, in case of necessity, submit to the Creditor 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 296 of the Treaty of Versailles.

3. The Agent of the German Government and the German Clearing Office are under no obligation to intervene in clearing cases or to attend sittings before the Mixed Arbitral Tribunal.

4. Save in so far as otherwise provided in No. 1 of the present Article, 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 Agreement ; such requests shall be presented within a period of six months.

5. In the matter of the above-mentioned claims, 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 3.

The Agent of the German Government is not obliged to intervene before the Mixed Arbitral Tribunal in cases which have been brought, or may in the future be brought, under the provisions of the present Agreement, against the German State in respect of the provisions of Part X of the Treaty of Versailles.

Article 4.

Without prejudice to the provisions of the Rules of Procedure with regard to foreclosures or other pleas in par, it is agreed as follows :

No new actions of any kind brought after the expiry of a period of three months from the date of the coming into force of the present Agreement may be accepted by the German-Belgian Arbitral Tribunal.

The above prescriptive limitation will not apply to appeals against the joint decisions of the Clearing Offices, for which provision is made in paragraph 2 of Article 2 No. 2 above.

After the expiry of a period of three months from the date of the coming into force of the present Agreement, the provisions of Articles 300 (b)-(e), 302, 304 (b) paragraph 2, and 305 of the Treaty of Versailles will no longer be applicable to the relations between Belgium and Germany and their respective nationals, without prejudice to cases pending at that date before the Mixed Arbitral Tribunal.

Article 5.

As from the coming into force of the present Agreement, the Belgian Government will bear the costs of the Mixed Arbitral Tribunal.

Such judicial costs and expenditure as may in the future be placed by the Mixed Arbitral Tribunal at the charge of the German State or of its nationals will be considered as covered by the proceeds of the liquidation of German property in Belgium, save in the case of suits pending between private parties in virtue of Article 304 (*b*), paragraph 2 and Article 305 of the Treaty of Versailles.

The unutilised balance of deposits will be refunded to those entitled thereto.

Article 6.

The present Agreement will be brought to the knowledge of the Mixed Arbitral Tribunal. Differences of opinion which may arise with regard to the interpretation or execution of this Agreement will be submitted to the Tribunal, or, after the close of the latter's activities, to the Arbitral Tribunal for which provision is made in Article 10 of the Agreement of July 13, 1929.

Article 7.

The present Agreement will be ratified and will come into force after the exchange of the instruments of ratification, at the same time as the Treaties or Agreements to be concluded in relation to the Experts' Report.

The exchange will be effected at the same time and place as the exchange of the instruments of ratification of the said Treaties and Agreements.

In faith whereof the respective Plenipotentiaries, duly authorised to that end, have signed the present Agreement.

Done at Brussels in duplicate French and German texts on January 16, 1930.

For Belgium :

*The Minister for Foreign Affairs,
(Signed) HYMANS.*

For the German Reich :

*The German Minister in Brussels,
(Signed) HORSTMANN.*