

AUTRICHE, ITALIE,
POLOGNE, ROUMANIE,
ROYAUME DES SERBES,
CROATES ET SLOVÈNES
ET TCHÉCOSLOVAQUIE

Convention concernant les pensions
qui étaient assignées par l'ancien
Gouvernement d'Autriche et déclara-
tions y annexées. Signées à
Rome, le 6 avril 1922.

AUSTRIA, ITALY, POLAND,
ROUMANIA,
KINGDOM OF THE SERBS,
CROATS AND SLOVENES
AND CZECHOSLOVAKIA

Convention regarding Pensions
awarded by the Former Austrian
Government, and Declarations
annexed thereto. Signed at Rome,
April 6, 1922,

TEXTE ITALIEN. — ITALIAN TEXT.

N^o 2818. — CONVENTION¹ ENTRE L'AUTRICHE, L'ITALIE, LA POLOGNE, LA ROUMANIE, LE ROYAUME DES SERBES, CROATES ET SLOVÈNES ET LA TCHÉCOSLOVAQUIE, CONCERNANT LES PENSIONS QUI ÉTAIENT ASSIGNÉES PAR L'ANCIEN GOUVERNEMENT D'AUTRICHE. SIGNÉE A ROME, LE 6 AVRIL 1922.

N^o 2818. — CONVENZIONE¹ FRA L'AUSTRIA, LA CECOSLOVACCHIA, L'ITALIA, LA POLONIA, IL REGNO SERBO-CROATO-SLOVENO E LA ROMANIA, RELATIVA ALLE PENSIONI CHE ERANO STATE ASSEGNATE DAL CESSATO GOVERNO DELL'AUSTRIA. FIRMATA A ROMA, IL 6 APRILE 1922.

Textes officiels français et italien communiqués par le délégué permanent du Royaume de Yougoslavie auprès de la Société des Nations et le ministre des Affaires étrangères d'Italie. L'enregistrement de cette convention a eu lieu le 17 septembre 1931.

French and Italian official texts communicated by the Permanent Delegate of the Kingdom of Yugoslavia accredited to the League of Nations and by the Italian Minister for Foreign Affairs. The registration of this Convention took place September 17, 1931.

L'AUTRICHE, L'ITALIE, LA POLOGNE, LA ROUMANIE, LE ROYAUME SERBE-CROATE-SLOVÈNE et LA TCHÉCOSLOVAQUIE, désireux de régler les questions qui ont trait aux pensions qui étaient assignées par l'ancien Gouvernement d'Autriche ;

Voulant conclure une convention à cet effet, les Hautes Parties contractantes ont nommé pour leurs plénipotentiaires :

LE PRÉSIDENT FÉDÉRAL DE LA RÉPUBLIQUE AUTRICHIENNE :

M. Rémi KWIATKOWSKI, envoyé extraordinaire et ministre plénipotentiaire ;

SA MAJESTÉ LE ROI D'ITALIE :

S. E. le Marquis Guglielmo IMPERIALI, sénateur du Royaume, ambassadeur ;

L'AUSTRIA, LA CECOSLOVACCHIA, L'ITALIA, LA POLONIA, IL REGNO SERBO-CROATO-SLOVENO e la ROMANIA, desiderosi di regolare le questioni che riguardano le pensioni che erano state assegnate dal cessato Governo dell'Austria ;

Volendo concludere una convenzione a questo riguardo, le Alte Parti Contraenti hanno nominato come loro plenipotenziari :

IL PRESIDENTE DELLA REPUBBLICA AUSTRIACA :

il Signor Rémi KWIATKOWSKI, Inviato Straordinario e Ministro Plenipotenziario ;

IL PRESIDENTE DELLA REPUBBLICA CECOSLOVACCA :

Il Signor Vlastimil KYBAL, Inviato Straordinario e Ministro Plenipotenziario ;

¹ L'échange des ratifications a eu lieu à Rome, le 6 février 1931.

¹ The exchange of ratifications took place at Rome, February 6, 1931.

¹ TRADUCTION. — TRANSLATION.

No. 2818. — CONVENTION BETWEEN AUSTRIA, ITALY, POLAND, ROUMANIA, THE KINGDOM OF THE SERBS, CROATS AND SLOVENES AND CZECHOSLOVAKIA, REGARDING PENSIONS AWARDED BY THE FORMER AUSTRIAN GOVERNMENT. SIGNED AT ROME, APRIL 6, 1922.

AUSTRIA, ITALY, POLAND, ROUMANIA, THE KINGDOM OF THE SERBS, CROATS AND SLOVENES and CZECHOSLOVAKIA, desirous of regulating questions regarding pensions awarded by the former Austrian Government ;

Wishing to conclude a Convention on this subject, have appointed as their Plenipotentiaries :

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA :

M. Rémi KWIATKOWSKI, Envoy Extraordinary and Minister Plenipotentiary ;

HIS MAJESTY THE KING OF ITALY :

His Excellency the Marquis Guglielmo IMPERIALI, Senator of the Kingdom, Ambassador ;

THE HEAD OF THE POLISH STATE :

M. Maciej LORET, Chargé d'Affaires of the Polish State at Rome ;

HIS MAJESTY THE KING OF ROUMANIA :

M. Al. Em. LAHOVARY, Envoy Extraordinary and Minister Plenipotentiary ;

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES :

M. Ottokar RYBÁŘ, Former Deputy ;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

M. Vlastimil KYBAL, Envoy Extraordinary and Minister Plenipotentiary,

Who, having deposited their full powers, found in good and due form, have agreed as follows :

Article 1.

As from the entry into force of the Treaty of St. Germain, each of the High Contracting Parties shall be responsible for the pensions, bounties, and cost-of-living allowances of civil and military pensioners which were granted as on November 3, 1918, by the former Austrian Government to beneficiaries who have been recognised as nationals of his State or become so, in virtue of the said Treaty, whether of right, by option or by claim.

Similarly, the High Contracting Parties shall be responsible for the pensions, bounties and cost-of-living allowances which were granted as on November 3, 1918, by the former common administrations of the former Austro-Hungarian Monarchy, including the provincial administration of Bosnia and Herzegovina, to beneficiaries who at that date were nationals of the former Austrian Empire.

¹ Traduit par le Secrétariat de la Société des Nations, for information.

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

The present Convention shall not apply to the pensions, bounties and cost-of-living allowances of pensioners of the State railways ; nor shall it apply to the pensions, bounties and cost-of-living allowances of pensioners of other State undertakings which are payable not out of the State Treasury but out of autonomous pension funds.

Article 2.

Payments made between November 2, 1918, and July 16, 1920, shall be set off, except in so far as certain of the High Contracting Parties have already concluded special agreements in this connection.

With regard to payments in arrears for this period, each of the High Contracting Parties reserves the right to take measures to safeguard the interests of his own nationals.

Article 3.

Save in so far as the internal legislation of each State provides otherwise, the scale of pensions, bounties and allowances payable to pensioners shall be not less than that prescribed by the former competent administration. The payment of pensions, bounties and cost-of-livings allowances to pensioners residing abroad may be subject to the condition that the pensioner transfers his residence to the State whose nationality he has acquired.

In exceptional cases, however, and if it is proved that the pensioner's repatriation would be difficult for other and specially important reasons, the State concerned may agree to pay the pension, bounty or cost-of-living allowance abroad.

Payment of pensions may be made contingent upon specified conditions.

The High Contracting Parties agree to take steps to facilitate the repatriation of pensioners.

Article 4.

The total sums paid in respect of pensions, bounties and cost-of-living allowances after the coming into force of the Treaty of St-Germain by a State other than that which should have effected payment in accordance with the provisions of Article 1 shall be refunded by the debtor State or States to the State which effected payment. Payment must be suspended at the request of the State at whose expense it is effected.

The setting-off and repayment of the sums referred to above shall be made in the currency of the debtor State on the basis of conventions to be concluded between the States concerned. This provision shall be without prejudice to existing special Conventions relating to the matter.

Article 5.

In the event of disputes arising between the High Contracting Parties with regard to the nationality of pensioners of the former administrations, the High Contracting Parties undertake not to withhold or reduce current payments until the nationality of the pensioner has been recognised, and subject to the right to demand repayment by the State whose nationality the pension-holder has acquired.

At the request of the pensioner or State concerned, the dispute shall be brought within one year before the arbitral tribunal which shall be competent to decide questions of nationality.

Article 6.

With regard to such pensions, it is understood that the present Convention shall also apply in a similar manner to the pensions of widows and orphans, to grants for the education of the latter and to payments of three months' salary on death (*Sterbequartal*).

In this connection, the nationality of the deceased employee or, if the widow has opted in accordance with the Treaties of Peace, the nationality acquired by her, shall be taken as a basis.

Article 7.

The payment of pensions to pensioners of provincial and communal administrations shall be settled by direct agreement between the States concerned.

Article 8.

The present Convention shall be without prejudice to the internal laws and regulations with regard to the relations between each of the High Contracting Parties and its own nationals.

Article 9.

The present Convention shall be ratified as soon as possible.

Each State shall address its ratification to the Italian Government, who shall notify all the other signatory States.

The ratifications shall be kept in the archives of the Italian Government.

The present Convention shall enter into force for each Signatory State on the date on which its ratification is deposited, and from that moment it shall take effect as between the States which have deposited their ratifications.

In faith whereof the above-named Plenipotentiaries have signed the present Convention.

Done at Rome, on the sixth of April, one thousand nine hundred and twenty-two, in French and Italian, both texts being equally authentic, in one copy, which shall remain in the archives of the Government of the Kingdom of Italy, authentic copies being forwarded to each State Signatory.

For Austria :

Rémi KWIATKOWSKI.

For Italy :

IMPERIALI.

For Poland :

Maciej LORET.

For Roumania :

A. Em. LAHOVARY.

For the Kingdom of the Serbs, Croates and Slovenes :

Dr. RYBÁŘ.

For Czechoslovakia :

Vlastimil KYBAL.

DECLARATION BY THE AUSTRIAN DELEGATION.

The Austrian delegation declares that, while it is prepared to sign the present text of the Convention concerning pensions, it makes reservations with regard not only to the ratification of the Convention in general, but more particularly to the stipulation that Article 1 shall apply to the pensioners of Bosnia-Herzegovina.

Done at Rome, on the sixth day of April one thousand nine hundred and twenty-two.

For Austria :

Rémi KWIATKOWSKI.

DECLARATION BY THE ROUMANIAN DELEGATION.

The Roumanian delegation declares that the Royal Government of Roumania will be unable to accept Article 2 unless before ratification of the Convention it is laid down in a special agreement between Austria and Roumania that payments made between November 3, 1918 and July 16, 1920, shall be set off and that any special convention to the contrary shall be cancelled.

Done at Rome on the sixth of April one thousand nine hundred and twenty-two.

For Roumania :

A. Em. LAHOVARY,

DECLARATION BY THE CZECHOSLOVAK DELEGATION.

Having noted the Austrian reservation, the delegation of the Czechoslovak Republic declares that it signs this Convention on condition that the Austrian Government agrees that the provisions of Article 1 shall apply to the pensioners of Bosnia-Herzegovina.

The delegates of Poland, Roumania and the Kingdom of the Serbs, Croats and Slovenes associate themselves with the declaration of the Czechoslovak delegation.

Done at Rome, on the sixth of April one thousand nine hundred and twenty-two.

For Poland :

Maciej LORET.

For Roumania :

A. Em. LAHOVARY.

For the Kingdom of the Serbs, Croats and Slovenes :

Dr. RYBÁŘ.

For Czechoslovakia :

Vlastimil KYBAL.