

N° 2998.

AUTRICHE ET POLOGNE

Convention concernant la Commune de Vienne, Établissement communal d'assurance et la caisse des retraites pour les employés du commerce et de l'industrie à Vienne, avec annexes. Signée à Vienne, le 17 janvier 1925.

AUSTRIA AND POLAND

Convention regarding the Commune of Vienna, the Communal Insurance Organisation and the Retiring Pensions Fund for Employees in Commerce and Industry at Vienna, with Annexes. Signed at Vienna, January 17, 1925.

¹ TRADUCTION. — TRANSLATION.

No. 2998. — CONVENTION² BETWEEN AUSTRIA AND POLAND,
REGARDING THE COMMUNE OF VIENNA, COMMUNAL INSU-
RANCE ORGANISATION AND THE RETIRING PENSIONS FUND
FOR EMPLOYEES IN COMMERCE AND INDUSTRY AT VIENNA.
SIGNED AT VIENNA, JANUARY 17, 1925.

French official text communicated by the Chargé d'Affaires a. i. of the Polish Delegation accredited to the League of Nations. The registration of this Convention took place July 11, 1932.

THE POLISH REPUBLIC and THE REPUBLIC OF AUSTRIA, being desirous of concluding, in execution of Article 275 of the Treaty of Saint-Germain, a Convention regarding the Commune of Vienna, Communal Insurance Organisation, and the Retiring Pensions Fund for Employees in Commerce and Industry at Vienna, have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE POLISH REPUBLIC :

Dr. Zbigniew SMOLKA, Chief of the Liquidation Section of the Polish Legation at Vienna ;
and

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA :

Monsieur Guillaume THAA, formerly Head of Section at the Federal Ministry for Social Administration ;

Who, having deposited their full powers, found in good and due form, have agreed upon the following Articles :

Article I.

The liabilities resulting from the additional insurances under § 66 (a) of the Law of December 16, 1906, Imperial Law Gazette No. 1 ex 1907, as amended by the Imperial Decree of June 25, 1914, Imperial Law Gazette, No. 138 and from the supplementary insurances (on payments exceeding those authorised by law) pertaining to the aforesaid insurances, and also the shares of the funds corresponding to the above-mentioned liabilities of the Commune of Vienna, Communal Insurance Organisation, formerly the Communal Life and Pensions Insurance Organisation, founded to commemorate the Jubilee of the Emperor Francis Joseph — hereinafter described as " the Organisation " — and of the Retiring Pensions Fund for Employees in Commerce and Industry — hereinafter described as " the Fund " — shall be distributed in accordance with the following principles :

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 Vienna, January 26, 1932.

A. DISTRIBUTION OF INSURANCE LIABILITIES.

1. The insurance liabilities existing at the end of December 1918 in respect of the additional insurances and the supplementary insurance (on payments exceeding those authorised by law) pertaining to the additional insurances, that is to say, the claims to pensions and contingent pension benefits acquired by insured persons and the members of their families, shall be transferred to the competence of the country in whose territory the insured persons had their last place of employment determining the competence of the pensions insurance organisation, provided that, in accordance with Section B, No. 1, a share of the funds of the organisation concerned is allocated to that country. The same principle shall apply to the repayments of premiums announced in the balance-sheet of the Organisation and of the Fund for the end of 1918 and to the claims for the repayment of premiums subsequently lodged in virtue of an insurance terminating not later than the end of 1918.

Insured persons shall be considered to include not only the members of the Organisation and the Fund, who are subject to compulsory insurance, but also the other similarly insured employees of masters who have insured their staff, subject to compulsory insurance, by means of an additional insurance in accordance with § 66 (a) of the Pensions Insurance Law, with one of the above-mentioned insurance organisations.

The liabilities existing at the end of December 1918 in respect of insured persons whose last place of employment determining the competence of pensions insurance organisations was situated outside the boundaries of the former Austrian Empire or in a country to which no share in the funds of the organisation concerned is allocated under Section B, No. 1, shall be transferred to the competence of the country to which belong the largest number of the employees of the master concerned ; if no country can be declared competent in virtue of the above rule, competence shall be determined by the last place of employment deciding the question of pensions insurance which is situated in the former territory where the pensions insurance law was in force ; failing such place of employment the liabilities shall devolve on the Republic of Austria.

2. It shall be for the internal regulations of the State concerned to prescribe the office which shall accept the insurance liabilities transferred to the competence of that State and the manner of their acceptance.

3. If the Organisation or the Fund continued its operations in the territory of the Polish Republic after December 31, 1918, such continued activities shall be regarded as a fiduciary insurance effected on account of the office competent under No. 2, unless the premiums collected have already been refunded.

The fiduciary insurance shall be regulated on the basis of the interest on the current account actually received ; that is to say, payments in Austro-Hungarian currency shall be settled in Austrian crowns, and other contributions in the currency in which they were made.

4. The Republic of Austria shall ensure that the Organisation and the Fund hand over to the offices competent under No. 2, whenever circumstances permit, all the files and accessory documents relating to the insurance liabilities to be accepted by these offices in accordance with the foregoing provisions. Should this be impossible, for the reason that the same files affect several offices, those concerned shall for ten years have the right to examine and take copies of them at the seat of the insurance organisation in Vienna. The High Contracting Parties shall further ensure that all information relating to the execution of this Convention is given by the offices concerned, and they agree that correspondence on this matter shall be exchanged direct between the respective offices, without recourse to the diplomatic or consular authorities.

B. DISTRIBUTION OF FUNDS.

1. In view of the fact that the insurance liabilities distributed in accordance with Section A amount to 20.517 % of the total insurance liabilities in respect of the Organisation and to 82.788 %

of the insurance liabilities in respect of the Fund, and since these liabilities fall to each country in the following percentages :

	Organisation	Fund
To the Czechoslovak Republic	25.81	14.78
To the Polish Republic	0.66	0.41
To the Kingdom of Italy.	0.22	7.14
To the Kingdom of the Serbs, Croats and Slovenes	0.69	3.17
To the Kingdom of Roumania	—	0.62

The Republic of Austria shall, in consideration of the debts and particularly of the employees' pensions liabilities, which remain in their entirety with the Organisation and the Fund, hand over, in addition to the securities shown in Annexes I and II, which shall constitute an integral part of the present Convention, the sum of 280,000,000 Austrian crowns for the Organisation and the sum of 180,000,000 Austrian crowns for the Fund. All the pledged debts derived from subscription to war loan bonds have been regarded as borne by the Republic of Austria. Of the total sum of 460,000,000 Austrian crowns, the countries concerned shall receive the following amounts :

Czechoslovak Republic	354,490,000	Austrian crowns
Polish Republic	9,320,000	Austrian crowns
Kingdom of Italy	59,410,000	Austrian crowns
Kingdom of the Serbs, Croats and Slovenes	31,790,000	Austrian crowns
Kingdom of Roumania	4,990,000	Austrian crowns

These sums shall be paid as follows :

Within three months of the ratification of the present Convention, the Republic of Austria shall pay — less the balance resulting in favour of Austria from the settlement of the accounts of the fiduciary insurances and plus the balance to be debited to Austria under the same account :

To the Czechoslovak Republic	94,490,000	Austrian crowns
To the Kingdom of Italy	19,410,000	Austrian crowns
To the Kingdom of the Serbs, Croats and Slovenes	11,790,000	Austrian crowns
To the Polish Republic	9,320,000	Austrian crowns
To the Kingdom of Roumania	4,990,000	Austrian crowns

The Republic of Austria shall also pay, one year and two years after the above-mentioned shares become due :

To the Czechoslovak Republic, on each occasion	100,000,000	Austrian crowns
To the Kingdom of Italy, on each occasion	20,000,000	Austrian crowns
To the Kingdom of the Serbs, Croats and Slovenes, on each occasion	10,000,000	Austrian crowns

and three years and four years after the first-mentioned shares fall due, shall pay on each occasion to the Czechoslovak Republic. 30,000,000 Austrian crowns

The above-mentioned shares shall be paid to the Legation at Vienna of the State entitled to payment or to an office in Vienna to be selected by that Legation. Within three months of the ratification of the present Convention, the Republic of Austria shall hand over to that same office the war loan bonds to be delivered, inscribed *von der Republik Österreich nicht übernommen* and shall hand over the other securities without any inscription.

The Republic of Austria shall ensure that the lists of the numbers submitted to the Reparation Commission are corrected and shall grant permission to export these securities free of charge.

2. The transfer to the office competent under Section A, No.2, of the funds allocated to each country, shall be subject to the internal regulations of the country concerned.

3. Each of the Contracting Parties shall abstain from collecting any stamp and other duties which might become leviable in its territory, at the time of the execution of this Convention.

Article II.

After the execution of the present Convention by the Republic of Austria, the Polish Republic shall make no further claim on Austria under Article 275 and Article 215 of the Treaty of Saint-Germain in so far as concerns the insurances dealt with in the present Convention. The country concerned shall be obliged to employ the funds received under the foregoing provisions in due conformity with Article 275, paragraph 2, of the Treaty of Saint-Germain.

Article III.

The present Convention shall be ratified as soon as possible and shall enter into force fourteen days after the date on which the instruments of ratification are exchanged at Vienna.

Done at Vienna, the seventeenth day of January, one thousand nine hundred and twenty-five, in two copies, of which one shall be transmitted to each High Contracting Party.

For the Polish Republic :
Dr. Zbigniew SMOLKA, *m. p.*

For the Republic of Austria :
W. THAA, *m. p.*

1 TRADUCTION.

LIST SHOWING THE DISTRIBUTION OF THE SECURITIES OF THE
The estimated values are those of the Vienna

Description of securities	Total nominal value	Estimated value	The additional insurance organisations (20.517 %)	
			nom. val.	est. val.
4 % konv. steuerfr. einh. Rente (Mai-November) . . .	58,100	750	11,900	89,250
4 % konv. steuerfr. einh. Rente (Jänner-Juli)	118,600	810	24,300	196,830
4.2 % einh. Rente in Noten (Februar-August)	19,900	1,150	4,100	47,150
4.2 % einh. Rente in Silber	8,000	4,000	1,600	64,000
4 % österr. steuerfr. Goldrente	8,000	21,000	1,600	336,000
4 % österr. steuerfr. Kronenrente (März-September) .	255,736	800	52,500	420,000
4 % Ferdinands-Nordb.-Prior.-Obl., Em. 1887, in Silber.	84,000	74,000	17,200	12,728,000
4 % Ferdinands-Nordb.-Prior.-Obl., Em. 1888.	36,000	90,000	7,200	6,480,000
4 % Franz Josef-Bahn-Prior.-Obl., Em. 1884	2,800	68,000	400	272,000
4 % Gal. Karl Ludwig-Bahn-Prior.-Obl.	20,000	23,000	4,200	966,000
3 ½ % österr. Nordwestb.-Prior.-Obl., lit. A. konv. . .	2,000	76,000	400	304,000
3 ½ % österr. Nordwestb.-Prior.-Obl., v. J. 1903, lit. A.	600	76,000	200	152,000
4 % Wiener Verkehrs-Anlagen-Anl., Em. I und II . . .	4,000	250	800	2,000
4 % Pfandbr. d. I. Mähr. Sparkasse, innerh. 55 J. verb. (Jänner-Juli)	2,000	154,000	400	616,000
4 % Wechselbahn-Prior.-Obl., Em. 1908	390,000	300	80,000	240,000
Total	1,009,736	.	206,800	22,913,230
Proportionate share	.	.	.	.
Leaving	.	.	.	.
<i>War loan bonds :</i>				
5 ½ % III. Österr. Krieganleihe	961,500	.	197,300	.
5 ½ % IV. Österr. Krieganleihe	1,000,000	.	205,200	.
5 ½ % IV. Österr. Krieganleihe (Staatsschatzscheine)	310,000	.	63,600	.
5 ½ % V. Österr. Krieganleihe	1,703,300	.	349,500	.
5 ½ % V. Österr. Krieganleihe (Staatsschatzscheine)	500,000	.	102,600	.
5 ½ % VI. Österr. Krieganleihe	1,000,000	.	205,200	.
5 ½ % VI. Österr. Krieganleihe (Staatsschatzscheine)	500,000	.	102,600	.
5 ½ % VII. Österr. Krieganleihe	1,001,300	.	205,400	.
5 ½ % VII. Österr. Krieganleihe (Staatsschatzscheine)	500,000	.	102,600	.
5 ½ % VIII. Österr. Krieganleihe	1,000,000	.	205,200	.
5 ½ % VIII. Österr. Krieganleihe (Staatsschatzscheine)	500,000	.	102,600	.
Total	8,976,100	.	1,841,800	.

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

¹ TRANSLATION.

ANNEX I.

COMMUNE OF VIENNA. COMMUNAL INSURANCE ORGANISATION.

Stock Exchange as at May 30, 1924. — Amounts are shown in Austrian currency.

There fall to

the Austrian Republic (72.619 %)		the Czechoslovak Republic (25.813 %)		the Kingdom of Italy (0.217 %)		the Kingdom of the Serbs, Croats and Slovenes (0.687 %)		the Polish Republic (0.664 %)	
nom. val.	est. val.	nom. val.	est. val.	nom. val.	est. val.	nom. val.	est. val.	nom. val.	est. val.
8,600	64,500	3,100	23,250	.	.	100	750	100	750
17,600	142,560	6,300	51,030	100	810	200	1,620	100	810
3,000	34,500	1,100	12,650	.	.	.	.	.	.
1,200	48,000	400	16,000	.	.	.	.	.	.
900	189,000	700	147,000	.	.	.	.	.	.
38,000	304,800	13,600	108,800	100	800	400	3,200	300	2,400
12,400	9,176,000	4,400	3,256,000	.	.	200	148,000	200	148,000
5,200	4,680,000	2,000	1,801,000	.	.	.	.	.	.
400	272,000	.	.	.	.	.	.	.	.
2,800	644,000	1,200	276,000	200	46,000	.	.	.	.
400	304,000	.	.	.	.	.	.	.	.
200	152,000	.	.	.	.	.	.	.	.
600	1,500	200	500	.	.	.	.	.	.
300	462,000	100	154,000	.	.	.	.	.	.
58,000	174,000	20,000	61,800	200	600	600	1,800	600	1,800
.	16,648,860	.	5,907,030	.	48,210	.	155,370	.	153,760
.	16,639,358	.	5,914,592	.	49,722	.	157,414	.	152,144
.	+ 9,502	.	— 7,562	.	— 1,512	.	— 2,044	.	+ 1,616
143,300	.	50,900	.	400	.	1,400	.	1,300	.
149,000	.	53,000	.	400	.	1,400	.	1,400	.
46,200	.	16,400	.	200	.	400	.	400	.
253,800	.	90,200	.	800	.	2,400	.	2,300	.
74,500	.	26,500	.	200	.	700	.	700	.
149,000	.	53,000	.	400	.	1,400	.	1,400	.
74,500	.	26,500	.	200	.	700	.	700	.
149,200	.	53,000	.	400	.	1,400	.	1,400	.
74,500	.	26,500	.	200	.	700	.	700	.
149,000	.	53,000	.	400	.	1,400	.	1,400	.
74,500	.	26,500	.	200	.	700	.	700	.
1,337,500	.	475,500	.	3,800	.	12,600	.	12,400	.

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

LIST SHOWING DISTRIBUTION OF THE SECURITIES OF THE RETIRING PENSIONS FUND

The estimates values are those of the Vienna Stock

Description of securities	Total nominal value	Estimated value	the additional insurance (82.788 %)		the Austrian Republic (73.88 %)	
			nom. val.	est. val.	nom. val.	est. val.
			4 % konv. steuerfr. Rente (Mai-November)	128,200	750	106,000	795,000	78,300	587,250
4 % öst. steuerfr. Kronenrente (März-September)	175,000	800	144,800	1,158,400	107,000	856,000
4 % d. öst. Staatsanleihe kündb. Schatzscheine	100,000	130	82,700	107,510	61,100	79,430
4 % Rudolfsbahn-St.-Sch.-V.	79,600	3,600	66,000	2,376,000	48,800	1,756,800
4 % Karl Ludwig-Bahn-St.-Sch.-V.	10,000	8,000	8,400	672,000	6,400	512,000
4 % Karl Ludwig-Bahn-Pr. Obl., Em. 1890	96,600	23,000	80,000	18,400,000	59,000	13,570,000
6 % III. ung. Kriegsanleihe	50,000	.	41,400	.	30,600	.
Total	639,400	.	529,300	23,508,910	391,200	17,361,480
Proportionate share	.	.	.	.	.	17,368,383
Leaving	.	.	.	.	.	— 6,903
Anteile der Baugenossenschaft "Wienerwald"	100,000	(100)	82,800	.	61,200	.
<i>War loan bonds :</i>						
5 ½ % I. Öst. Kriegsanleihe	500,000	.	413,900	.	305,800	.
5 ½ % III. Öst. Kriegsanleihe	1,715,000	.	1,419,800	.	1,049,000	.
5 ½ % IV. Öst. Kriegs anl. (40j.)	825,000	.	683,000	.	504,600	.
5 ½ % V. Öst. Kriegsanleihe (Staatsschatzscheine)	500,000	.	413,900	.	305,800	.
5 ½ % V. Öst. Kriegs anl. (40j.)	1,070,000	.	885,800	.	654,400	.
5 ½ % VI. Öst. Kriegsanleihe (Staatsschatzscheine)	500,000	.	413,900	.	305,800	.
5 ½ % VI. Öst. Kriegs anl. (40j.)	500,000	.	413,900	.	305,800	.
5 ½ % VII. Öst. Kriegsanleihe (Staatsschatzscheine)	500,000	.	413,900	.	305,800	.
5 ½ % VII. Öst. Kriegs anl. (40j.)	500,000	.	413,900	.	305,800	.
5 ½ % VIII. Öst. Kriegsanleihe (Staatsschatzscheine)	750,000	.	620,900	.	458,700	.
5 ½ % VIII. Öst. Kriegs anl. (40j.)	750,000	.	620,900	.	458,700	.
5 ½ % I. Öst. Kriegsanleihe	500,000	.	* 500,000	.	369,400	.
Total	8,610,000	.	7,213,800	.	5,329,600	.

* Belonging in their entirety to the additional insurance organisations.

ANNEX II.

FOR EMPLOYEES IN COMMERCE AND INDUSTRY.

Exchange as at May 30, 1924. — Amounts are shown in Austrian currency.

There fall to

the Czechoslovak Republic (14.78 %)		the Polish Republic (0.41 %)		the Kingdom of Italy (7.14 %)		the Kingdom of the Serbs, Croats, and Slovenes (3.17 %)		the Kingdom of Roumania (0.62 %)	
nom. val.	est. val.	nom. val.	est. val.	nom. val.	est. val.	nom. val.	est. val.	nom. val.	est. val.
15,700	117,750	400	3,000	7,600	57,000	3,400	25,500	600	4,500
21,400	171,200	600	4,800	10,300	82,400	4,600	36,800	900	7,200
12,200	15,860	400	520	5,900	7,670	2,600	3,380	500	650
10,000	360,000	.	.	4,800	172,800	1,200	43,200	1,000	43,200
1,200	96,000	.	.	400	32,000	400	32,000	.	.
11,800	2,714,000	400	92,000	5,800	1,334,000	2,600	598,000	400	92,000
6,100	.	200	.	2,900	.	1,300	.	300	.
78,400	3,474,810	2,000	100,320	37,700	1,685,870	16,100	738,880	3,900	147,550
.	3,474,617	.	96,387	.	1,678,536	.	745,232	.	145,755
.	+ 193	.	+ 3,933	.	+ 7,334	.	- 6,352	.	+ 1,795
12,200	.	400	.	5,900	.	2,600	.	500	.
61,200	.	1,700	.	29,500	.	13,100	.	2,600	.
209,800	.	5,800	.	101,400	.	45,100	.	8,800	.
100,900	.	2,800	.	48,800	.	21,700	.	4,200	.
61,200	.	1,700	.	29,500	.	13,100	.	2,600	.
130,900	.	3,600	.	63,300	.	28,100	.	5,500	.
61,200	.	1,700	.	29,500	.	13,100	.	2,600	.
61,200	.	1,700	.	29,500	.	13,100	.	2,600	.
61,200	.	1,700	.	29,500	.	13,100	.	2,600	.
61,200	.	1,700	.	29,500	.	13,100	.	2,600	.
91,800	.	2,500	.	44,300	.	19,700	.	3,900	.
91,800	.	2,500	.	44,300	.	19,700	.	3,900	.
73,900	.	2,100	.	35,700	.	15,800	.	3,100	.
1,066,300	.	29,500	.	514,800	.	228,600	.	45,000	.