

N° 3067.

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## AUTRICHE ET POLOGNE

Arrangement relatif au règlement de certaines dettes austro-hongroises d'avant-guerre, signé à La Haye, le 20 janvier 1930, et échange de notes y relatif de la même date.

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## AUSTRIA AND POLAND

Agreement regarding the Settlement of certain Austro-Hungarian Pre-War Debts, signed at The Hague, January 20, 1930, and Exchange of Notes relating thereto of the same date.

<sup>1</sup> TRADUCTION. — TRANSLATION.No. 3067. — AGREEMENT<sup>2</sup> BETWEEN AUSTRIA AND POLAND REGARDING THE SETTLEMENT OF CERTAIN AUSTRO-HUNGARIAN PRE-WAR DEBTS. SIGNED AT THE HAGUE, JANUARY 20, 1930.

*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 Agreement took place October 22, 1932.*

The conversations which have taken place at The Hague between the duly authorised Delegates of the Polish Government and the Federal Government of Austria have led to the following results :

## Article I.

In order to make up Poland's shortage of certificates of Austrian and Hungarian pre-war stocks denominated in paper crowns or florins, Austria will transfer from her block to the Polish block the certificates of the Austrian surplus in the same stocks to the amount of 67,734,148 nominal crowns. Austria is under no obligation actually to deliver the certificates. Should it prove impossible to obtain such permissions as may be required to effect the transfer, Austria will cede to Poland the corresponding part of the sum allotted to her in respect of her surplus. The sum thus ceded must correspond to the payments made to the Austrian surplus to the extent of 67,734,148 nominal crowns, in such manner as to be equal in any case to the sums necessary for the service of the stocks of the same amount held by foreign holders (*Auslandsblock*).

As the price of the above-mentioned transfer or, in default thereof, of the cession of the above-mentioned sums, Poland will pay to Austria the sum of 335,000 Austrian schillings.

## Article II.

(a) Austria acknowledges that Poland's obligations to Austrian nationals in respect of the various bond issues of the Carl Ludwig and Albrecht railways (*Carl Ludwig Bahn* and *Albrechtsbahn*) other than the 1877 issue, as also of the various bond issues of the Northern and Hungarian-Galician railways (*Nordbahn* and *Ungarisch-galizische Eisenbahn*) and of the third bond issue of the *Lwów-Cernaui-Jassi* railway (*Lemberg-Czernowitz-Jassy Eisenbahn*), which were held by Austrian nationals on May 21, 1924, do not exceed the conversion rate of one Austrian schilling = 10,000 crowns,

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

<sup>1</sup> Translated by the Secretariat of the League of Nations, for information.

<sup>2</sup> The exchange of ratifications took place at Vienna, July 16, 1932.

unless before the end of 1931 some form of valorisation of the certificates of that part of the Austrian pre-war secured debt, denominated in florins or in crowns, which is a charge upon Austria is instituted by decree.

Austria will hand over to Poland by the end of 1931 the bonds of the above-mentioned railways, or the affidavits to which paragraph *c*) relates, or any other proofs admissible under Polish law which, being held by Austrian nationals, are submitted by the latter to the Austrian authorities as the result of notice given for the purpose in execution of the present Agreement. The object of the submission of such certificates or affidavits or proofs shall be the conversion of the same into certificates of the Polish 5 % Railway Conversion Loan, either at the above-mentioned rate or, in the event of valorisation taking place in Austria, at the rate resulting from the valorisation of the certificates of that part of the secured debt which is a charge upon Austria: the latter valorised rate will be applied by Poland in the spirit of material reciprocity stipulated under current Polish law, provided always that it shall not in any case exceed the rate stipulated by current Polish law for the same certificates when held by Polish nationals.

(*b*) The certificates described as being " held by Austrian nationals " under the terms of the present Agreement shall consist, in the case of the various bond issues of the Albrecht and Carl Ludwig railways, of such certificates as have been registered and stamped by the Polish authorities under the current law as the property of Austrian nationals, or of persons who rank under Polish law, their nationality not having been established, as on the same footing as Austrian nationals. According to the Polish delegation, the amounts of these certificates in the case of the various bond issues of the Albrecht and Carl Ludwig railways are as follows :

5 %	bonds of the Albrecht Railway, 1872	— 363,600 crowns.
4 %	bonds of the Albrecht Railway, 1890	— 10,112,000 crowns.
4 %	bonds of the Albrecht Railway, 1893	— 1,858,600 crowns.
4 %	bonds of the Carl Ludwig Railway, 1890	— 33,843,600 crowns.
4 %	bonds of the Carl Ludwig Railway, 1902	— 32,118,800 crowns.

The above amounts of the certificates described as being " held by Austrian nationals " may be reduced to the extent to which adequate proof is shown in the case of certificates included in the above totals that on May 21, 1924, they were in the possession of persons of other than Austrian nationality. Similarly, the said amounts may be increased to the extent to which adequate proof is shown that certificates are in existence over and above the said totals which on May 21, 1924, were in the possession of Austrian nationals but had not yet been submitted for registration. The proofs in both cases to be submitted to the Polish authorities not later than the end of 1931.

(*c*) In the case of the certificates of the various bond issues of the Northern and Hungarian-Galician railways, as also of the third issue of the *Lwów-Cernaui-Jassi* railway, the amount of the certificates " held by Austrian nationals " shall be determined, on the basis of a joint estimate of the Polish and Austrian Governments to be made not later than October 1, 1931, in connection with which the affidavits put in by the *ceskoslovensky zuctovacy ustav* in respect of that part of the certificates which are a charge upon Poland shall be taken into account.

(*d*) Where certificates of affidavits or proofs to which the stipulations in the preceding paragraphs relate have not been submitted either to the Polish or to the Austrian authorities within the periods laid down above, Poland shall be relieved of all obligations towards Austrian nationals in respect thereof.

(*e*) In the case of certificates of the various issues specified in paragraph *a*), which are held by Austrian insurance companies (either at their head offices or at their branches), it is agreed that the provisions of the present Article shall not prejudice any subsequent agreements which may be reached with regard to such certificates, recognising the same as cover for the premium reserves of life insurances concluded between the said companies and Polish nationals.

*Article III.*

Any disputes in connection with the interpretation or application of the present Agreement, which cannot be settled through the diplomatic channel, shall be submitted on the request of one of the High Contracting Parties to an arbitral tribunal.

To which end, each Party shall nominate an arbitrator. The two arbitrators shall choose a neutral president. Should the Parties fail to agree as to the person of the said neutral president, the President of the Swiss Confederation shall be requested to make the nomination.

*Article IV.*

The present Agreement shall come into force simultaneously with the General Agreement<sup>1</sup> concerning Austrian Reparations signed at The Hague on January 20, 1930.

Done at The Hague, in duplicate, January the twentieth, one thousand nine hundred and thirty.

Jan MROZOWSKI.

SCHOBER.

THE HAGUE, *January 20, 1930.*

Mr. CHANCELLOR,

On the occasion of the signature of the Agreement concerning Austrian reparations at The Hague on January 20, 1930, I have the honour to request Your Excellency to confirm the following statement of the result of our conversations :

(1) The conventions concluded between the two Governments, in respect of which the exchange of the instruments of ratification has not yet been effected, are not affected by Article III of the above-mentioned agreement.

(2) The Austrian Government will execute the Archives Convention signed at Rome on April 6, 1922, as soon as possible and in a spirit of good will. It will further examine with the like good will all requests of the Polish Government for the handing over of such acts, plans and documents as may be required for the administration of the ceded territory.

(3) It is understood that any financial settlements which remain to be concluded under the terms of Article 215 of the Treaty of St. Germain relating to insurance companies and small mutual assurance associations (such as the *Notarenverein*, *Kondukteurverein* and other pensioners' institutions) will not be affected by the above-mentioned agreement.

(4) The Polish Government will waive in favour of the Austrian Government any rights the Polish Government may have put forward in respect of part of the proceeds of liquidation of the former Austro-Hungarian charitable institutions in Egypt belonging to the *Società di benefienza austro-ungarica* at Alexandria. In exchange therefor the Austrian Government will pay the Polish Government a fourteenth part of the said proceeds of liquidation of the said institutions.

I have etc.

J. MROZOWSKI.

To

His Excellency Monsieur Johann Schober,  
Austrian Federal Chancellor,  
at The Hague.

<sup>1</sup> Volume CIV, page 413, of this Series.

THE HAGUE, *January 20, 1930.*

MONSIEUR LE PRÉSIDENT,

I have the honour to acknowledge receipt of Your Excellency's Note of to-day's date to the following effect :

“ On the occasion of the signature of the Agreement concerning Austrian reparations at The Hague on January 20, 1930, I have the honour to request Your Excellency to confirm the following statement of the result of our conversations :

(1) The conventions concluded between the two Governments, in respect of which the exchange of the instruments of ratification has not yet been effected, are not affected by Article III of the above-mentioned Agreement.

(2) The Austrian Government will execute the Archives Convention signed at Rome on April 6, 1922, as soon as possible and in a spirit of good will. It will further examine with the like good will all requests of the Polish Government for the handing over of such acts, plans and documents as may be required for the administration of the ceded territory.

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(4) The Polish Government will waive in favour of the Austrian Government any rights the Polish Government may have put forward in respect of part of the proceeds of liquidation of the former Austro-Hungarian charitable institutions in Egypt belonging to the *Società di beneficenza austro-ungarica* at Alexandria. In exchange therefor, the Austrian Government will pay the Polish Government a fourteenth part of the said proceeds of liquidation of the said institutions.”

I have the honour to confirm the contents of the above-mentioned Note, and to state that I accept on behalf of my Government the proposals contained therein.

I have, etc...

J. SCHÖBER.

Monsieur Jean Mrozowski,  
President of the Supreme Court of Justice,  
President of the Polish Delegation,  
at The Hague.

THE HAGUE, *January 20 1930.*

Mr. CHANCELLOR,

On the occasion of the signature of the Agreement concerning Austrian reparations at The Hague on January 20, 1930, I have the honour to request Your Excellency to confirm the following statement of the result of our conversations :

“ The sum of 335,000 Austrian schillings, to which Article I of the said Agreement refers, will be paid by Poland under the terms of our joint Agreement of December 31, 1935, without interest. Nevertheless Poland has the right to redeem this amount at any date at a discount of 5 %.

It is understood that Poland will have the right to deduct from the above-mentioned sum an amount corresponding to the fourteenth part to be obtained from the proceeds of liquidation of the former Austro-Hungarian charitable institutions in Egypt belonging to the *Società di beneficenza austro-ungarica* at Alexandria, unless this amount has already been paid to Poland.

Similarly, it is understood that no claim will lie in regard to a part of the above-mentioned sum of 335,000 schillings corresponding to 42,776.35 gold crowns, unless and until Austria has paid the sum of 42,776.35 gold crowns due to Poland under the terms of the lump sum Agreement of August 25, 1925, signed in Vienna. The two Governments reserve the question of the writing off of the two sums of 42,776.35 gold crowns against one another for subsequent agreement."

I have the honour to confirm the contents of the above-mentioned note, and to state that I accept on behalf of my Government the proposals contained therein.

I have, etc.

To  
His Excellency Monsieur Johann Schober,  
Austrian Federal Chancellor,  
at The Hague.

J. MROZOWSKI.

THE HAGUE, *January 20, 1930.*

MONSIEUR LE PRÉSIDENT,

I have the honour to acknowledge receipt of Your Excellency's note of to-day's date to the following effect :

" On the occasion of the signature of the Agreement concerning Austrian reparations at The Hague on January 20, 1930, I have the honour to request Your Excellency to confirm the following statement of the result of our conversations :

The sum of 335,000 Austrian schillings, to which Article I of the said Agreement refers, will be paid by Poland under the terms of our joint Agreement of December 31, 1935, without interest. Nevertheless Poland has the right to redeem this amount at any date at a discount of 5 %.

It is understood that Poland will have the right to deduct from the above-mentioned sum an amount corresponding to the fourteenth part to be obtained from the proceeds of liquidation of the former Austro-Hungarian charitable institutions in Egypt belonging to the *Società di beneficenza austro-ungarica* at Alexandria, unless this amount has already been paid to Poland.

Similarly, it is understood that no claim will lie in regard to a part of the above-mentioned sum of 335,000 schillings corresponding to 42,776.35 gold crowns, unless and until Austria has paid the sum of 42,776.35 gold crowns due to Poland under the terms of the lump sum Agreement of August 25, 1925, signed in Vienna. The two Governments reserve the question of the writing off of the two sums of 42,776.35 gold crowns against one another for subsequent agreement."

I have the honour to confirm the contents of the above-mentioned Note, and to state that I accept on behalf of my Government the proposals contained therein.

I have, etc.

Monsieur Jean Mrozowski,  
President of the Supreme Court of Justice,  
President of the Polish Delegation,  
at The Hague.

J. SCHOBER.