

N° 2910.

GRANDE-BRETAGNE
ET IRLANDE DU NORD,
FRANCE, ITALIE, ROUMANIE,
TCHÉCOSLOVAQUIE,
YOUGOSLAVIE ET SUISSE

Convention relative à la constitution
d'un fonds spécial dit « Fonds B ».
Signée à Berne, le 21 août 1931.

GREAT BRITAIN
AND NORTHERN IRELAND,
FRANCE, ITALY, ROUMANIA,
CZECHOSLOVAKIA,
YUGOSLAVIA
AND SWITZERLAND

Convention regarding the Constitu-
tion of a Special Fund called
“ Fund B ”. Signed at Berne,
August 21, 1931.

¹ TRADUCTION. — TRANSLATION.

No. 2910. — CONVENTION² BETWEEN GREAT BRITAIN AND NORTHERN IRELAND, FRANCE, ITALY, ROUMANIA, CZECHOSLOVAKIA, YUGOSLAVIA AND SWITZERLAND REGARDING THE CONSTITUTION OF A SPECIAL FUND CALLED "FUND B". SIGNED AT BERNE, AUGUST 21, 1931.

French official text communicated by the Permanent Delegate of the Kingdom of Yugoslavia accredited to the League of Nations. The registration of this Convention took place March 7, 1932.

THE GOVERNMENTS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE FRENCH REPUBLIC, OF HIS MAJESTY THE KING OF ITALY, OF HIS MAJESTY THE KING OF ROUMANIA, OF THE CZECHOSLOVAK REPUBLIC and OF HIS MAJESTY THE KING OF YUGOSLAVIA, having informed the Government of the Swiss Confederation of the entry into force of the Agreements³ relative to the obligations resulting from the Treaty of Trianon, signed at Paris, on April 28, 1930, and especially of Agreement IV, providing for the constitution of a special Fund, called Fund B, set up by the Hague Agreements of January 20, 1930, and

THE GOVERNMENT OF THE SWISS CONFEDERATION having taken note of these Agreements, Desiring to fix the conditions under which the Special Fund should be established in Switzerland, Have agreed, through their undersigned Plenipotentiaries, duly authorised to that effect, on the following :

Article I.

The Swiss Government recognise the juridical personality of the Special Fund.

Article II.

The seat of the Special Fund is established at Basle.

Article III.

The Swiss Government recognises that the object, the condition, the organisation, the management and the liquidation of the Special Fund are determined and governed by the Paris Agreements of April 28, 1930.

The dispositions of Swiss law shall apply in addition so far as they are not in opposition to the aforesaid Agreements.

¹ Traduction du Foreign Office de Sa Majesté britannique.

¹ Translation of His Britannic Majesty's Foreign Office.

² The deposit of the instrument of ratification by Switzerland took place at Paris, December 28, 1931.

³ Vol. CXXI, page 69, of this Series.

Article IV.

Subject to the second paragraph of this Article, the dues, taxes and duties coming within the following categories shall not be levied :

- (a) Dues, taxes and duties on all deeds and other documents concerning the establishment of the Special Fund at Basle or the liquidation of the Fund ;
- (b) Dues, taxes and duties leviable on the occasion of the issue of the obligations of the Fund, and dues, taxes and duties leviable on the coupons of the Fund's obligations ;
- (c) Dues, taxes and duties on the capital of the Fund, its reserves, assets, deposits and credits and its revenues, whatever may be the method or the time of their collection ;
- (d) Dues, taxes and duties on the transfer of shares in so far as the contracts regarding the transfer are made by the Fund with the Bank for International Settlements, or through that Bank with a second party not resident in Switzerland, on all the deposits on short or long term of the Fund with the Bank for International Settlements, and on the interest on these deposits ;
- (e) Dues, taxes and duties on the turnover ;
- (f) Dues, taxes and duties leviable on the occasion of deeds or documents of any sort regarding the distribution of the Fund and generally all payments to rightful beneficiaries.

The provisions of the preceding paragraph do not interfere with the right of Switzerland (a) to tax persons, other than the Fund, residing on Swiss territory ; and (b) to demand payment from the Fund of stamp duty on those of the Fund's obligations which shall have been placed on the Swiss market, and on the interest on those of the Fund's obligations which circulate in Switzerland.

Article V.

The aforesaid exemptions shall apply to present and future taxes by whatever name they are designated and by whatever public authority they are imposed.

Further, without prejudice to the exemptions set out above, there shall not be levied on the Fund and on its operations any tax which has not a general character.

Article VI.

The Fund, its goods and its assets, as well as all payments carried out by the Fund or to its profit resulting from transactions carried through by it in the normal exercise of its activity, shall not be, either in time of peace or in time of war, the object of any measure of an administrative nature, such as requisition, sequestration, seizure, confiscation, prohibition or restriction of the power of making payments abroad, or of receiving payments coming from abroad, or of any other similar measure.

Article VII.

Any differences which may arise regarding the interpretation or the application of the present Convention shall be submitted, by Agreement between Switzerland on the one hand and the other contracting parties or one or more of them on the other hand, to arbitration.

It remains understood that the arbitral decision shall be regarded as binding by all the contracting parties, even if it shall have been given as a result of a procedure between some of the contracting States only.

Failing agreement on the choice of a single Arbitrator or on the definition of the questions to be submitted to arbitration, each party shall have the right, by means of a unilateral application, to refer the matter to the Permanent Court of International Justice.

Article VIII.

The present Convention is concluded for a period of 15 years. If it is not denounced one year before the expiration of this period it shall be deemed to be prolonged for a further period of 10 years, and so on thereafter.

The Swiss Government has entered into the Convention subject to ratification, and the Convention shall come into force as soon as it shall have been ratified by Switzerland.

The instrument of ratification shall be deposited at Paris with the French Government, which shall communicate to the contracting Powers the date of the deposit, which shall be that on which the Convention shall come into force.

In faith whereof the Plenipotentiaries have signed the present Convention.

Done at Berne on the 21st day of August 1931, in a single copy, which will remain deposited in the Archives of the Swiss Confederation and of which authenticated copies will be sent to the other Contracting Powers.

For the United Kingdom of Great Britain and Northern Ireland :

Charles PEAKE.

For France :

H. DE MARCILLY.

For Italy :

Giovanni MARCHI.

For Roumania :

M. B. BOERESCO.

For Switzerland :

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For Yugoslavia :

M. G. MILOYÉVITCH.

For Czechoslovakia :

Dr. PROCHÁZKA.