

N° 3867.

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**ROUMANIE  
ET TCHÉCOSLOVAQUIE**

Convention concernant la libération  
des dépôts et le règlement des  
obligations résultant des titres et  
de leurs coupons, et protocole  
annexe. Signés à Bucarest, le  
5 décembre 1930.

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**ROUMANIA  
AND CZECHOSLOVAKIA**

Convention regarding the Release of  
Deposits and the Settlement of  
Liabilities arising out of Securities  
and their Coupons, with Protocol-  
Annex. Signed at Bucharest, De-  
cember 5th, 1930.

<sup>1</sup> TRADUCTION. — TRANSLATION.

No. 3867. — CONVENTION <sup>2</sup> BETWEEN THE KINGDOM OF ROUMANIA AND THE CZECHOSLOVAK REPUBLIC REGARDING THE RELEASE OF DEPOSITS AND THE SETTLEMENT OF LIABILITIES ARISING OUT OF SECURITIES AND THEIR COUPONS. SIGNED AT BUCHAREST, DECEMBER 5TH, 1930.

*French official text communicated by the Roumanian Envoy Extraordinary and Minister Plenipotentiary to the League of Nations and by the Permanent Delegate of the Czechoslovak Republic to the League of Nations. The registration of this Convention took place April 6th, 1936.*

HIS MAJESTY THE KING OF ROUMANIA and THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC, being desirous of arriving at an agreement for the release of deposits and the settlement of obligations in connection with securities and their coupons, have resolved to conclude a Convention for that purpose and have appointed as their respective Plenipotentiaries :

HIS MAJESTY THE KING OF ROUMANIA :

Monsieur Georges G. MIRONESCO, Prime Minister, Minister for Foreign Affairs ;

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

Dr. Bohumil VLASÁK, Minister Plenipotentiary ;

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

*Article 1.*

1. The Government of the Kingdom of Roumania undertakes to release unreservedly open or sealed deposits and safe deposits which, on the date upon which application is made for their release, are deposited within its territory with any authority, in State paying offices, or with notaries public, credit institutions, or bankers, in so far as such deposits contain paper securities, depositors' books, shareholders' books, founders' shares, insurance policies, or other documents, or coin, precious metals, whether minted or unminted (worked or unworked), pearls and precious stones, or objects of art — after payment of the usual costs chargeable on such deposits — subject to the conditions laid down in the present Convention, provided that the following circumstances can be proved :

(a) That the aforesaid securities or valuables were, on July 26th, 1921, the property of natural persons who, on the date of the application, were Czechoslovak nationals in

<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 Prague, February 26th, 1936. Came into force February 26th, 1936.

virtue of the Treaty of St. Germain or the Treaty of Trianon, and who have no domicile within the territory of the Kingdom of Roumania.

Regarding release, no difference will be made according to whether the owner has acquired Czechoslovak nationality in virtue of the provisions of the Treaty of St. Germain or the Treaty of Trianon, or in virtue of conventions concluded or hereafter to be concluded on the basis of those Treaties, *ipso facto*, or by official authorisation in accordance with Article 76 of the Treaty of St. Germain or Article 62 of the Treaty of Trianon, or by the exercise of his right of option.

(b) Alternatively, that the aforesaid securities or valuables were, on July 26th, 1921, the property of juridical persons or other similar economic organisations, whose principal place of business was, on July 26th, 1921, within the territory of the Czechoslovak Republic. Paragraphs 5 and 6 of this Article stipulate how far this provision shall be applicable to legacies, gifts, scholarships, and foundations, and to municipalities and communes.

If the securities or valuables in deposit have been in deposit without interruption since July 26th, 1921, with one of the depositaries mentioned in the first paragraph of this Article, as the deposit of a Czechoslovak national, no other proof of ownership shall be necessary. Rebutting evidence shall be admissible. For securities or valuables acquired up to March 1st, 1919, the registration lists drawn up for the purposes of the property tax shall be sufficient proof of their acquisition. (Decree of the Government of the Czechoslovak Republic of March 12th, 1919, No. 126, Collection of Laws and Decrees.) For all other securities or valuables, proof shall be established by means of official certificates, trading account books, or other means admissible according to the law of the country.

The Government of the Kingdom of Roumania undertakes to release other deposits also, if fully valid proofs are produced as mentioned above.

If, according to the provisions of the present Convention, any cases should not be settled, the Government of the Kingdom of Roumania shall as soon as possible give a satisfactory answer to requests presented to it.

2. The Government of the Kingdom of Roumania shall not be obliged to release the deposits of juridical persons or other similar economic organisations which have acquired the status of Roumanian subjects later, in virtue of the Treaty of St. Germain or the Treaty of Trianon, or in virtue of other conventions which may be concluded between the two States on the basis of those Treaties.

A separate convention shall be concluded concerning securities belonging to orphans' funds (guardianship funds) or administered by such funds.

3. If the securities to be released are not in fact deposited within Roumanian territory, but outside the territory of the Roumanian State, the Government of the Kingdom of Roumania undertakes to permit measures to be taken for the drawing-up or delivery of the necessary disposal documents, or to take such measures itself; and to take any action and accord all facilities which may help owners to recover their deposits.

4. Securities and valuables to be released under this Article shall not be subject to a property tax or to any other tax. They shall also be exempt from other State administrative measures which might impede or prevent their release. The Government of the Kingdom of Roumania shall revoke all measures of guarantee or other similar measures which are contrary to the present provisions.

5. The provisions of the present Convention shall also apply to deposits of legacies, gifts, scholarships, and foundations, if it be established in virtue of Article 266 of the Treaty of St. Germain or of Article 249 of the Treaty of Trianon, or by any other means admitted by the Kingdom of Roumania, that the securities or valuables in question pertain to the Czechoslovak Republic.

6. The deposits of municipalities, communes, and other local authorities, whose territory has remained within the Czechoslovak Republic in virtue of the Treaty of St. Germain or the Treaty of Trianon, shall also be released by the Government of the Kingdom of Roumania, provided that the conditions relating to them laid down by the present Convention are fulfilled.

Deposits of municipalities, communes, and other local authorities whose territory has been divided by the frontier fixed in consequence of the Treaty of St. Germain or the Treaty of Trianon, either between the Czechoslovak Republic and the Kingdom of Roumania, or between the Czechoslovak Republic, the Kingdom of Roumania, and other States, or in consequence of any other convention, shall be dealt with by separate conventions.

7. For the purposes of this Convention, the term "release" shall be taken to mean authorisation for delivery and export, granted by Government authorities. Such authorisation shall in no way affect the question, which must be decided by reference to the existing private or administrative law, whether the depositary is under any obligation to deliver the securities or valuables, and if so to what persons (depositor, owner, mortgagee, etc.).

8. For the purposes of the present Convention, the securities and valuables referred to in paragraph 1 of the present Article shall be considered as deposits, even if, under a contract of deposit, they have not been deposited with the present depositary, but have been transferred for any reason whatever from the territory of the Czechoslovak State to that of the Roumanian State.

Judicial deposits shall be released, so far as they have been actually found by the Roumanian administration at the time of its coming into control or later.

9. In order that Czechoslovak nationals may obtain full possession of securities which are to be released according to this Convention, which were assigned as pledges or for similar purposes, or which for any other reasons were bound by some clause, the Government of the Kingdom of Roumania undertakes, for its part, to simplify and expedite as far as possible such preliminary proceedings (discharge of the clause) as may be necessary.

#### Article 2.

1. The Government of the Czechoslovak Republic undertakes to release unreservedly open or sealed deposits and safe deposits which, on the date upon which application is made for their release, are deposited within its territory with any authority, in State paying offices, or with notaries public, credit institutions, or bankers, in so far as such deposits contain paper securities, depositors' books, shareholders' books, founders' shares, insurance policies, or other documents, or coin, precious metals, whether minted or unminted (worked or unworked), pearls and precious stones, or objects of art — after payment of the usual costs chargeable on such deposits — subject to the conditions laid down in the present Convention, provided that the following circumstances can be proved :

(a) That the aforesaid securities or valuables were, on July 26th, 1921, the property of natural persons who, on the date of application, were Roumanian nationals in virtue of the Treaty of St. Germain or the Treaty of Trianon, and who have no domicile within the territory of the Czechoslovak Republic.

Regarding release, no difference will be made according to whether the owner has acquired Roumanian nationality in virtue of the provisions of the Treaty of St. Germain or the Treaty of Trianon, or in virtue of Conventions concluded or hereafter to be concluded on the basis of those Treaties, *ipso facto*, or by official authorisation in accordance with Article 76 of the Treaty of St. Germain or with Article 62 of the Treaty of Trianon, or by the exercise of his right of option.

(b) Alternatively, that the aforesaid securities or valuables were, on July 26th, 1921, the property of juridical persons or other similar economic organisations whose principal place of business was, on July 26th, 1921, within the territory of the Kingdom of Roumania. Paragraphs 5 and 6 of this Article stipulate how far this provision shall be applicable to legacies, gifts, scholarships, and foundations, and to municipalities and communes.

If the securities or valuables in deposit have been in deposit without interruption since July 26th, 1921, with one of the depositaries mentioned in the first paragraph of this Article, as a deposit

of a Roumanian national, no other proof of ownership shall be necessary. Rebutting evidence shall be admissible.

For securities or valuables acquired up to March 1st, 1919, the registration lists drawn up for the purposes of the property tax shall be sufficient proof of their acquisition. (Decree of the Government of the Czechoslovak Republic of March 12th, 1919, No. 126, Collection of Laws and Decrees.)

For all other securities or valuables, proof shall be established by means of official certificates, trading account books, or other means admissible according to the law of the country.

The Government of the Czechoslovak Republic undertakes to release other deposits also, if fully valid proofs are produced as mentioned above.

If, according to the provisions of the present Convention, any cases should not be settled, the Government of the Czechoslovak Republic shall as soon as possible give a satisfactory answer to requests presented to it.

2. The Government of the Czechoslovak Republic shall not be obliged to release the deposits of juridical persons or other similar economic organisations which have acquired the status of Czechoslovak subjects later, in virtue of the Treaty of St. Germain or the Treaty of Trianon, or in virtue of other conventions which may be concluded between the two States on the basis of those Treaties.

A separate convention shall be concluded concerning securities belonging to orphans' funds (guardianship funds) or administered by such funds.

3. If the securities to be released are not in fact deposited within Czechoslovak territory, but outside the territory of the Czechoslovak State, the Government of the Czechoslovak Republic undertakes to permit measures to be taken for the drawing-up or delivery of the necessary disposal documents, or to take such measures itself; and to take any action and accord all facilities which may help owners to recover their deposits.

4. Securities and valuables to be released under this Article shall not be subject to a property tax or to any other tax. They shall also be exempt from other State administrative measures which might impede or prevent their release. The Government of the Czechoslovak Republic shall revoke all measures of guarantee or other similar measures which are contrary to the present provisions.

5. The provisions of the present Convention shall also apply to deposits of legacies, gifts, scholarships, and foundations, if it be established in virtue of Article 266 of the Treaty of St. Germain or of Article 249 of the Treaty of Trianon, or by any other means admitted by the Czechoslovak Republic, that the securities or valuables in question pertain to the Kingdom of Roumania.

6. The deposits of municipalities, communes, and other local authorities, whose territory has remained within the Kingdom of Roumania in virtue of the Treaty of St. Germain or the Treaty of Trianon, shall also be released by the Government of the Czechoslovak Republic, provided that the conditions relating to them laid down by the present Convention are fulfilled.

Deposits of municipalities, communes, and other local authorities, whose territory has been divided by the frontier fixed in consequence of the Treaty of St. Germain or the Treaty of Trianon, either between the Czechoslovak Republic and the Kingdom of Roumania, or between the Czechoslovak Republic, the Kingdom of Roumania, and other States, or in consequence of any other Convention, shall be dealt with by separate conventions.

7. For the purposes of this Convention, the term "release" shall be taken to mean authorisation for delivery and export, granted by Government authorities. Such authorisation shall in no way affect the question, which must be decided by reference to existing private or administrative law, whether the depositary is under any obligation to deliver the securities or valuables, and if so to what persons (depositor, owner, mortgagee, etc.).

8. For the purposes of the present Convention, the securities and valuables referred to in paragraph 1 of the present Article shall be considered as deposits, even if, under a contract of deposit, they have not been deposited with the present depositary, but have been transferred for any reason whatever from the territory of the Roumanian State to that of the Czechoslovak State.

Judicial deposits shall be released, so far as they have been actually found by the Czechoslovak administration at the time of its coming into control or later.

9. In order that Roumanian nationals may obtain full possession of securities which are to be released according to this Convention, which were assigned as pledges or for similar purposes, or which for any other reasons were bound by some clause, the Government of the Czechoslovak Republic undertakes, for its part, to simplify and expedite as far as possible such preliminary proceedings (discharge of the clause) as may be necessary.

#### *Article 3.*

1. The release of deposits constituted within the territory of one of the contracting States in the name of a State or public authority, notary public, or banking institution (credit institution), or in the name of persons in the banking profession, within the territory of the other State, shall be effected, so far as concerns that part which is the property of an authority, institution, or person mentioned above as owner of a deposit, or of any of their clients who fulfil the conditions laid down in Articles 1 and 2, on the basis of a memorandum drawn up by the depositor, upon which the financial authority of the first instance for direct taxes in the territory of the State in which the offices of the authority, institution, or depositor are situated, shall explicitly attest that the required conditions are fulfilled.

This memorandum shall be sent by the depositor to the depositary, or direct to the financial authority of the first instance for direct taxes having jurisdiction over the place of business of the depositary in the other State ; this authority shall countersign the memorandum, thus permitting the release and export of the deposits mentioned.

2. The release of any deposit other than those mentioned in paragraph 1 of the present Article shall be effected on the application of the party concerned — which must be accompanied by the certificate of fulfilment of the conditions of release — either to the financial authority of the first instance for direct taxes in the other State having jurisdiction over the place of residence of the owner or the place of business of the depositary, or to the financial authority of the first instance for direct taxes of the State to which deposits must be sent having jurisdiction over the place of domicile of the owner. In the latter case, the appropriate financial authority of the first instance of the State to which the deposits are to be conveyed shall attest that the conditions laid down in Articles 1 and 2 have been fulfilled, and shall send the requests, without the documents, to the financial authority of the first instance for direct taxes of the other State having jurisdiction over the place of domicile of the depositary.

The financial authorities of both contracting States shall comply with the applications which reach them within a period not exceeding fifteen days.

Applications regarding the release and transport of deposits shall be subject to no time-limit.

#### *Article 4.*

1. All claims (capital, interest, dividends, etc.) arising out of Roumanian or Czechoslovak securities in the possession of Czechoslovak or Roumanian nationals respectively shall be refunded in full, without deduction, regardless of whether such securities are in Czechoslovak or Roumanian territory.

2. If the payment of coupons, interests, dividends, and refunds in connection with securities is subject to the condition that the securities must be registered, stamped, or formally deposited, nationals of the contracting States shall not be affected by the omission of such conditions, and these operations shall be carried out later, all previous restrictions thus being cancelled. Such securities, included in deposits to be released, shall be stamped at the time of their release by the financial authority of the first instance, thus establishing the date of release.

3. The periods of prescription of all these claims shall be deemed to be suspended as of right from October 28th, 1918, until the day of the entry into force of the present Convention.

The legal term of periods of prescription which had not expired on October 28th, 1918, shall be continued as from that day.

If these periods of prescription have expired in less than two years from the date of entry into force of the present Convention, their terms shall be prolonged as of right until the end of that time.

*Article 5.*

Payments in connection with securities issued in Austro-Hungarian crowns, payable to either of the two contracting States, shall be made in the currency of the State where the debtor has his place of business, and at the rate of exchange of the former Austro-Hungarian crown fixed in that State; the same provision shall apply if payment is to be made in some other country.

Savings-bank books shall not be subject to the provisions of this Article, and shall be dealt with according to the provisions of the Convention concerning claims and debts in former Austro-Hungarian crowns.

The provisions in force regarding pre-war debt stock and Austrian and Hungarian war-debt stock shall not be modified by this Article.

*Article 6.*

The Governments of the contracting States shall require authorities of all kinds within their territories, State paying offices, notaries public, financial institutions, and bankers, to give notice through their own financial administration to that of the other State, in as far as they know the necessary conditions in order to come to a decision, of any deposits with them belonging to nationals of the other State, which would be eligible for release under the present Convention but have not been released because no application has been made.

*Article 7.*

Any disputes between the two High Contracting Parties regarding the interpretation and application of the present Convention shall be submitted to a Court of Arbitration, consisting of two members, one nominated by the Roumanian Government, and the other by the Czechoslovak Government.

In case of disagreement, these two arbitrators shall appoint a third, being a national of a foreign State. If they cannot come to an agreement regarding an appointment, the two Governments shall make the appointment by common agreement. In case of disagreement between the Governments, they shall request the President of the Federal Council of the Swiss Republic to make a nomination.

*Article 8.*

The present Convention shall be ratified and the ratifications shall be exchanged at Prague as soon as possible.

The present Convention shall come into force on the day of the exchange of ratifications.

In faith whereof the respective Plenipotentiaries have appended their signatures and seals.

Done at Bucharest in two original copies, this 5th day of December, 1930.

(L. S.) (Signed) G. G. MIRONESCO.

(L. S.) (Signed) Dr. Bohumil VLASÁK.

## PROTOCOL - ANNEX.

THE ROYAL GOVERNMENT OF ROUMANIA and THE GOVERNMENT OF THE CZECHOSLOVAK REPUBLIC are agreed, as regards the 4 %, 4 ½ % and 5 % stocks (external block) issued by the State of Roumania from 1889 to 1913 inclusive, upon the following :

1. Public debt certificates not stamped in accordance with the *Journal* of the Roumanian Cabinet, No. 526, of March 24th, 1922, held by Czechoslovak nationals before and up to October 31st, 1918, shall be presented for stamping at Bucharest, at the Public Debt Office in the Ministry of Finance.

In this case, holders shall be required to present the certificates, together with the necessary documents to prove their Czechoslovak nationality and their possession of the certificates before and up to October 31st, 1918.

Payment of coupons from certificates thus stamped falling due on or before December 1st, 1928, and also from certificates drawn by lot on which payment fell due on or before June 1st, 1928, shall be made abroad in French francs (paper) at offices authorised by the State of Roumania.

2. Certificates not stamped in accordance with the *Journal* of the Roumanian Cabinet, No. 526, of March 24th, 1922, held by Czechoslovak nationals after October 31st, 1918, shall be dealt with according to the conditions laid down in the "Annex" of the Agreement<sup>1</sup>, dated November 10th, 1928, concluded between the Roumanian and German Governments, and published in the Roumanian *Official Gazette*, No. 1, of January 1st, 1929.

3. Certificates stamped in accordance with paragraph 1 above shall be dealt with, for the period after January 1st, 1929, according to the conditions laid down in the Agreement concluded at Paris on May 31st, 1928, between the Roumanian Government and holders of Roumanian public debt certificates, and published in the Roumanian *Official Gazette*, No. 165, of July 28th, 1928.

(Signed) G. G. MIRONESCO.

(Signed) Dr. Bohumil VLASÁK.

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<sup>1</sup> Vol. XCI, page 101, of this Series.