

N° 4163.

ALLEMAGNE ET PAYS-BAS

Traité concernant le régime des paiements entre les deux pays, signé à La Haye, le 23 décembre 1936, et échange de notes de la même date relatif à l'application provisoire de ce traité.

GERMANY AND THE NETHERLANDS

Treaty concerning Clearing Transactions between the Two Countries, signed at The Hague, December 23rd, 1936, and Exchange of Notes of the same Date relating to the Provisional Application of this Treaty.

¹ TRANSLATION.

No. 4163. — TREATY BETWEEN GERMANY AND THE NETHERLANDS CONCERNING CLEARING TRANSACTIONS BETWEEN THE TWO COUNTRIES. SIGNED AT THE HAGUE, DECEMBER 23RD, 1936.

THE CHANCELLOR OF THE GERMAN REICH
and

HER MAJESTY THE QUEEN OF THE NETHERLANDS,

Desirous of facilitating payments between Germany and the Kingdom of the Netherlands, have appointed as their Plenipotentiaries :

THE CHANCELLOR OF THE GERMAN REICH :

M. Felix BENZLER, Counsellor of Legation in the Ministry of Foreign Affairs ;

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

Dr. Hans Max HIRSCHFELD, Director-General of Trade and Manufactures in the Ministry of Trade, Manufactures and Shipping ;

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

Article I.

The provisions of the Treaty concerning Clearing Transactions between Germany and the Netherlands of December 5th, 1934, shall remain in force until December 31st, 1937, and shall form an integral part of the present Treaty, subject to the following amendments and additions :

1. Article 2 to be amended as follows :

(a) At the end of paragraph 1 (2), after the words "other than the cost of bunker coal", add : " Payments of transport insurance premiums to insurance undertakings shall not come under the provisions of this Agreement ".

(b) In paragraph 1 (9), for the word " trade " read " goods transactions ".

(c) A new paragraph 4 to be added as follows :

" Inland navigation " within the meaning of paragraph 1 (2) and (4) shall be deemed to include Rhine navigation. Direct transport by sea from Rhine ports to German maritime and inland ports and *vice versa* shall rank as inland navigation.

2. Article 4 to read as follows :

Article 4.

German debtors who have obligations in reichsmarks to Netherlands creditors of the kind to which Article 2 relates shall make payment on maturity of the amount in

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

reichsmarks into the account of the Nederlandsch Clearinginstituut with the Deutsche Verrechnungskasse. The Deutsche Verrechnungskasse shall regularly advise the Nederlandsch Clearinginstituut of the payments in reichsmarks received for credit of this account, and the Nederlandsch Clearinginstituut shall credit the same to the Netherlands creditors in guilders. German debtors who have obligations in guilders to Netherlands creditors of the kind to which Article 2 relates must apply on maturity to the Deutsche Verrechnungskasse for the amounts due in guilders, at the same time paying in the equivalent in reichsmarks converted at a rate to be determined by the Deutsche Verrechnungskasse. The Deutsche Verrechnungskasse shall regularly advise the Nederlandsch Clearinginstituut of the amounts in guilders, the reichsmark equivalent of which has been so paid in.

Netherlands debtors who have obligations in guilders to German creditors of the kind to which Article 2 relates shall make payment on maturity of the amount in guilders into the account of the Deutsche Verrechnungskasse with the Nederlandsch Clearinginstituut. The Nederlandsch Clearinginstituut shall regularly advise the Deutsche Verrechnungskasse of the payments received for credit of this account. Netherlands debtors who have obligations in reichsmarks to German creditors of the kind to which Article 2 relates must apply on maturity to the Nederlandsch Clearinginstituut for the amounts due in reichsmarks, at the same time paying in the equivalent in guilders converted at a rate to be determined by the Nederlandsch Clearinginstituut. The Nederlandsch Clearinginstituut shall regularly advise the Deutsche Verrechnungskasse of the amounts in reichsmarks, the guilder equivalent of which has been so paid in.

Where the obligation of the German debtor is expressed in a currency other than reichsmarks or guilders, the equivalent of the sum due shall be paid in reichsmarks, converted at the average rate of exchange of the currency in question quoted on the Berlin Stock Exchange on the last Stock Exchange day preceding the date of payment.

Where the obligation of the Netherlands debtor is expressed in a currency other than guilders or reichsmarks, the equivalent of the sum due shall be paid in guilders, converted at the official Netherlands quotations of the currency in question on the last Stock Exchange day preceding the date of payment.

3. Article 9 to read as follows :

Article 9.

Private clearing and compensation transactions shall be permissible only with the assent of the competent authorities in both countries.

The opening of new "Aski" accounts (*Ausländersonderkonten für Inlandszahlungen*) in favour of Netherlands firms with a German Devisenbank (bank authorised to deal in foreign exchange) shall be permissible only with the assent of the competent authorities in the two countries.

4. In Article 11, paragraph 1, the words "Article 2 (5)" to be replaced by the words "Article 2, paragraph 1 (5) and paragraph 4".

5. Articles 13 and 14 to read as follows :

Article 13.

A proportion to be determined by a separate agreement of all payments made into the account at the Nederlandsch Clearinginstituut under the present Treaty shall be transferred to a free account of the Reichsbank at the Nederlandsche Bank Limited.

Article 14.

The provisions of Article 13, paragraph 2, and Article 14 of the Treaty concerning Clearing Transactions of December 5th, 1934, concerning the liquidation of old Netherlands

claims in respect of goods and services shall remain in force until such time as the amounts outstanding in the old Special Account and Special Account II of the Nederlandsche Bank and in the " Netherlands " Trustee Account at the Deutsche Verrechnungskasse are liquidated. The two Government Commissions shall thereafter come to an agreement as to the further disposition of the 18 per cent for which Article 13, paragraph 2, of the Treaty concerning Clearing Transactions of December 5th, 1934, provides in this connection.

6. Article 18 to read as follows :

Article 18.

The present Treaty shall remain in force until December 31st, 1937, but may be denounced before that date at three months' notice or, in the event of substantial changes in the conditions on the basis of which it was concluded, at fourteen days' notice as from the end of any calendar month.

Should the Treaty lapse as a result of denunciation or expiry of the period for which it is concluded, obligations which have arisen thereunder before such denunciation or expiry in connection with clearing transactions shall continue after the lapse of the Treaty to be met by payments into the clearing in accordance with the provisions of the Treaty.

Should a balance remain on the lapse of the Treaty on the payments into either of the two clearing institutions, the liquidation through the clearing in the manner provided by the Treaty of the obligations to which Article 2 of the Treaty relates shall continue until the whole of the balance is cleared.

Article II.

The present Treaty shall be ratified. It shall come into force twenty days after the exchange of the instruments of ratification, which shall take place at the earliest possible date in Berlin.

Done at The Hague, in duplicate, in the German and Dutch languages, this 23rd day of December, 1936.

Felix BENZLER.

H. M. HIRSCHFELD.

EXCHANGE OF NOTES.

I.

THE PRESIDENT
OF THE NETHERLANDS DELEGATION.

THE HAGUE, *December 23rd*, 1936.

SIR,

I have the honour to confirm, in connection with to-day's signature of the Treaty concerning Clearing Transactions between the Netherlands and Germany, that the Netherlands and German Governments are agreed as follows :

The contracting Governments shall provisionally apply the Treaty concerning Clearing Transactions between the Netherlands and Germany as from January 1st, 1937, with the exception of Article I, Section 2, which shall provisionally apply as from January 15th, 1937.

I avail myself of this opportunity, etc.

H. M. HIRSCHFELD.

Monsieur F. Benzler,
President of the German Delegation,
The Hague.

II.

THE PRESIDENT
OF THE GERMAN DELEGATION.

THE HAGUE, *December 23rd, 1936.*

SIR,

I have the honour to confirm, in connection with to-day's signature of the Treaty concerning Clearing Transactions between Germany and the Netherlands, that the German and Netherlands Governments are agreed as follows :

The contracting Governments shall provisionally apply the Treaty concerning Clearing Transactions between Germany and the Netherlands as from January 1st, 1937, with the exception of Article I, No. 2, which shall be provisionally applied as from January 15th, 1937.

I avail myself of this opportunity, etc.

BENZLER.

Dr. Hirschfeld,
President of the Netherlands Delegation,
The Hague.
