

N° 431.

ALLEMAGNE
ET TCHÉCOSLOVAQUIE

Convention sur l'application de l'article 297 du Traité de Versailles, signée à Prague le 29 juin 1920.

GERMANY
AND CZECHOSLOVAKIA

Agreement regarding the application of Article 297 of the Treaty of Versailles, signed at Prague, June 29, 1920.

TEXTE TCHÈQUE. — CZECH TEXT.

No. 431. — ÚMLUVA¹ MEZI VLÁDOU ČEKOSLOVENSKOU A VLÁDOU NĚMECKOU O PROVÁDĚNÍ ČLÁNKU 297. MÍROVÉ SMLOUVY VERSAILLSKÉ, PODEPSANÁ V PRAŽE, DNE 29. ČERVNA 1920.

German and Czech official texts communicated by the German Consul at Geneva, and by the Permanent Representative of Czechoslovakia accredited to the League of Nations. The registration of this Agreement took place June 1, 1923.

Článek 1.

1. Československá vláda použije práva zadržeti a likvidovati německý majetek, německá práva a zájmová účastenství jen potud, pokud všeobecně-hospodářský a sociální zájem státu vyžaduje, aby německý majetek, německá práva a zájmová účastenství přešla do oblasti jejího vlivu. Pod toto hledisko spadají ona hospodářská odvětví, při nichž se pomýšlí na zvýšení státní ingerence nebo jež mají tvořiti předmět zvláštních sociálních nebo hospodářských reforem jako železnice, doly a hutě, jakož i léčebné lázně.

2. Československá vláda zašle německé vládě s nejřetším urychlením, nejpozději do jednoho měsíce po ratifikaci svrchu zmíněné úmluvy, seznam akciových společností, komanditních společností na akcie, společností s ručením omezeným a těžarstev jež na území Československé republiky provozují železnice, doly a hutě a léčebné lázně, vyjímajíc takové společnosti, jež mají sídlo v Německé říši.

3. Německá vláda zašle československé vládě do tří měsíců po tom, co obdrží tento seznam, seznamy :

- a) akcií a jinakých podílů německých státních příslušníků na akciových společnostech komanditních, společnostech na akcie, společnostech na akcie společnostech s ručením omezeným a těžarstvech, jež provozují v území Československé republiky železnice, doly, hutě a léčebné lázně.
- b) železnic, dolů, hutí a léčebných lázní, jež se provozují na území Československé republiky osobami fyzickými nebo jinakými společnostmi německými.

4. Československá vláda zašle německé vládě do čtyř měsíců po tom, kdy obdrží seznamy zmíněné v odstavci 3., ony případy, ve kterých chce použiti práva likvidačního, a požádá německou vládu za sprostředkování k tomu cíli, aby byla sjednána s německými zájemníky po dobrém dohoda o kupní ceně či výši odškodnění.

¹ The exchange of ratifications took place at Prague September 12, 1922.

¹ TRANSLATION.

No. 431. — AGREEMENT BETWEEN THE GERMAN GOVERNMENT AND THE CZECHOSLOVAK GOVERNMENT REGARDING THE APPLICATION OF ARTICLE 297 OF THE TREATY OF VERSAILLES, SIGNED AT PRAGUE JUNE 29, 1920.

Article 1.

1. — The Czechoslovak Government shall only make use of the right to retain and liquidate German property, rights and interests in so far as the general economic and social interests of the State require the transfer of German property, rights and interests to its own sphere of jurisdiction. This shall apply to industrial undertakings, such as railways, mining and metal works and hydropathic establishments, in respect of which it is proposed that the State should assure a larger measure of control or which are to be made the subject of special social or economic reforms.

2. — The Czechoslovak Government shall, as soon as possible, at the latest within one month of the ratification of this Agreement, forward to the German Government a list of all joint-stock companies, limited liability joint-stock companies (Kommanditgesellschaften auf Aktien), limited liability companies and firms (Gewerkschaften) which direct or conduct railways, mining and metal works and hydropathic establishments in the territory of the Czechoslovak Republic, with the exception of companies having their registered offices in Germany.

3. — Within three months of receiving the above-mentioned list the German Government shall forward to the Czechoslovak Government two registers containing respectively the following particulars :

- (a) The shares and other interests held by German nationals in joint-stock companies, limited liability joint-stock companies (Kommanditgesellschaften auf Aktien), limited liability companies and firms which direct or conduct railways, mining and metal works and hydropathic establishments in the territory of the Czechoslovak Republic ;
- (b) Railways, mining and metal works and hydropathic establishments which are directed or conducted by individuals or legal persons of German nationality in the territory of the Czechoslovak Republic.

4. — Within four months of receiving the registers mentioned in paragraph 3, the Czechoslovak Government shall notify the German Government of the cases in which it intends to make use of the right of liquidation, and shall request the good offices of the German Government with a view to reaching a friendly agreement with the German nationals concerned regarding the purchase price or the amount of compensation.

5. — Should the negotiations with the German nationals concerned fail to result in an agreement upon the purchase price or the amount of compensation, the two Governments shall jointly and impartially fix the purchase price or compensation by means of oral negotiations if so desired by either party.

6. — Should the persons concerned refuse to accept such ruling or should the Governments fail to come to a complete agreement, recourse shall be had to the decision of the Mixed Arbitral Tribunal provided for in the Treaty of Versailles ; all relevant documents shall be submitted to this Tribunal, including a report on the negotiations between the two Governments.

7. — Persons, companies or firms whose undertakings are retained or liquidated under Article 1 of the present Agreement and who possess or acquire a domicile or registered office

¹ Translated by the Secretariat of the League of Nations.

outside the Czechoslovak Republic shall not be subject to any restrictions either on account of export prohibitions or other statutory or administrative measures taken by the Czechoslovak Republic as regards the transfer abroad of the purchase price or compensation received by them or of any other movable property not seized for liquidation or retention. More particularly, they shall not be required to pay export duties of any kind whatsoever. The same shall apply to persons who are obliged, as a result of any such liquidation or retention, to acquire a domicile outside the territory of the Czechoslovak Republic.

8. — The Contracting Parties shall be free to come to special agreements concerning the taxation of such persons, companies or syndicates. Pending the conclusion of these agreements, the method of taxing the persons and property in question shall not be affected by the provision contained in paragraph VII.

Article 2.

(1) The Czechoslovak Government shall relinquish its right to retain or liquidate German property, rights or interests referred to in Article 1 which have not been notified to the German Government within the period mentioned in Article 1, paragraph IV, and any remaining German property, rights or interests.

(2) The Czechoslovak Government shall be free to make the grant of exemption from retention or liquidation in individual cases, in particular, industrial undertakings of special importance to national economic interests, dependent upon suitable measures being taken for safeguarding Czechoslovak interests in the administration of these undertakings. In this connection the action of the Czechoslovak Government shall be dictated solely by the necessity of safeguarding general economic interests, and shall give full consideration to the point of view of the other Contracting Party.

(3) In so far as these measures affect the questions of representation on the directing bodies or of the holding of shares, any claims made in this respect shall in no case exceed the proportion of the business carried on in the territory of the Czechoslovak Republic to the aggregate business of the undertaking in question. A hearing shall be granted to the interested parties in all cases. Failing agreement, the German Government shall be given an opportunity to negotiate with the Czechoslovak Government with a view to a settlement.

(4) The German Government shall forward to the Czechoslovak Government within the period mentioned in Article 1, paragraph IV, a register of all businesses which are carried on by German joint-stock companies, limited and unlimited liability joint-stock companies (*Kommanditgesellschaften auf Aktien*) and limited liability companies in the territory of the Czechoslovak Republic.

Article 3.

The rights reserved to the Reparation Commission under the Treaty of Versailles shall not be affected by these arrangements.

Article 4.

After approval by the Government and the legislative bodies this Agreement shall be ratified and the instruments of ratification shall be exchanged as soon as possible at Prague.

The Agreement shall only come into force concurrently with the Treaty on Nationality which was drawn up during these negotiations and with the Economic Agreement which was agreed upon in like manner.

Done at Prague on June 29, 1920.

ZD. FIÉRLINGER,
VON STOCKHAMMERN