

N° 186.

AUTRICHE ET POLOGNE

Convention additionnelle à la convention du 17 mars 1920 concernant l'échange de marchandises entre la République d'Autriche et la République de Pologne, signée à Varsovie le 8 janvier 1921.

AUSTRIA AND POLAND

Supplementary agreement to the Convention of March 17, 1920, with regard to the exchange of goods between the Austrian and Polish Republics, signed at Warsaw, January 8, 1921.

TEXTE POLONAIS. — POLISH TEXT.

No. 186. — UKŁAD DODATKOWY DO UKŁADU Z DNIA 17 MARCA 1920 R. DOTYCZACEGO UREGULOWANIA RUCHU TOWAROWEGO MIĘDZY RZECZPOSPOLITA POLSKA, A REPUBLIKA AUSTRYJACKA. WARSZAWA, DNIA 8 STYCZNIA 1921 ROKU.

German and Polish official texts communicated by the Austrian and Polish Representatives accredited to the League of Nations. The registration of this Agreement took place on September 23, 1921.

Artykuł 1.

Ponieważ obecne warunki gospodarcze nie pozwalają jeszcze na całkowite przywrócenie wolnej wymiany towarów między obu państwami, oba rządy postanowiły zapewnić sobie w tej dziedzinie i na dalszy okres czasu te same ułatwienia w obowiązujących na ich terytorjach ograniczeniach obrotu towarowego z zagranicą który przewiduje układ z dnia 17 marca 1920 r.

Wobec tego, obie strony zgodziły się zachować moc obowiązującą postanowień paragrafów od 1-go do 16-go włącznie, układu z dnia 17 marca 1920 r. dotyczącego uregulowania ruchu towarowego między Rzeczpospolitą Polską a Republiką Austrijską, aż po dzień 20 czerwca 1921 r. włącznie.

Ze względu na to, że wzolnione od wymożu kontyngenty towarowe przewidziane w paragraf 3-im i 4-y układu z dnia 17 marca 1920 r. są już w większości wyczerpane, z drugiej zaś strony wobec potrzeby zapewnienia sobie i innych poza wymienionymi w układzie z dnia 17 marca 1920 r. towarów oba rządy postanowiły co następuje :

Artykuł 2.

Rząd Polski zobowiązuje się udzielać pozwoleń na wywóz do Austrii mniej więcej równych ratami miesięczną w ciągu 6 miesięcy, licząc od dnia 1-go stycznia do 30 czerwca 1921 r. włącznie następujących ogólnych kontyngentów towarów, o ile nie zostały przy poszczególnych towarach inaczej postanowione :

1. 81.000 ton *węgla*.
2. 10.000 ton *ropy i produktów ropnych*, a mianowicie:
 - a) 3.500 ton benzyny o cieńszej gatunkowej do 760°,
 - b) 3.000 ton nafty,
 - c) 3.000 ton olei lekkich,
 - d) 500 ton parafiny.

¹According to a note from the Representative of the Austrian Federal Government accredited to the Secretariat of the League of Nations, this Convention came into force as from the date of its signature.

¹ TRANSLATION.

No. 186. — SUPPLEMENTARY AGREEMENT TO THE CONVENTION OF MARCH 17, 1920, WITH REGARD TO THE EXCHANGE OF GOODS BETWEEN THE AUSTRIAN AND POLISH REPUBLICS, SIGNED AT WARSAW, JANUARY 8, 1921.

Article 1.

Having regard to the fact that the conditions obtaining at the present moment do not permit of the re-establishment of free commercial relations between the territories of the Contracting Parties, both Governments agree to continue to accord to each other the special commercial facilities conceded under the Agreement of March 17, 1920, in respect of the trade restrictions in force in their respective territories.

The provisions of §§ 1 to 16 (inclusive) of the Agreement of March 17, 1920, concerning the regulation of trade between the AUSTRIAN REPUBLIC and the POLISH REPUBLIC, shall remain in force until June 30, 1921, inclusive.

In consideration of the fact that the quantities of goods which both Parties agreed to export under §§ 3 and 4 of the Agreement of March 17, 1920, have, in many cases, been exhausted, and in view of the need for the supply of goods other than those specified in the above-mentioned Treaty, the two Governments have agreed to the following provisions :

Article 2.

The Polish Government undertakes to grant licences for the export to Austria of the following normal quantities of goods for the period from January 1, 1921, until June 30, 1921 (inclusive), at an approximatively equal rate per month, provided that no special conditions are laid down with regard to any of the items mentioned.

- (1) *Coal*, 81,000 tons.
- (2) *Petroleum* and petroleum products, 10,000 tons, *i.e.* :
 - (a) 3,500 tons of benzine with a specific gravity not exceeding 760.
 - (b) 3,000 tons of petroleum for lamps.
 - (c) 3,000 tons of gasoline.
 - (d) 500 tons of paraffin.
- (3) *Foodstuffs, i.e.*, fresh eggs, 150 wagons holding 110 cases at 1,440 eggs each, in approximately equal monthly consignments, from April 1 until June 30, 1921.
- (4) *Wood*, 8,000 cubic metres, *i.e.* :
 - (a) Oak, 4,000 cubic metres.
 - (b) Alder, 4,000 cubic metres.

¹ Translated by the Secretariat of the League of Nations.

Article 3.

The Austrian Government undertakes to grant licences for the export to Poland of the following normal quantities of goods, for the period from January 1, 1921, until June 30, 1921 (inclusive) :

- (1) *Articles required for the use of coal mines :*
 - (a) 400 tons of explosives,
 - (b) 400,000 reels of fuse.
 - (c) 3,000,000 detonators.
- (2) *Various articles required for the petroleum industry, i.e.* , piston-rings, packing, wire-rope, tools, iron-ware, fittings, tubes, to the value of 100,000,000 Polish marks.
- (3) *Various kinds of steel*, such as cast-steel, weld-steel, tube-steel, slit-steel and steel for implements, to a total amount of 250 tons.
- (4) *Various kinds of iron*, such as trade-iron, round bar-iron, bar-iron, angle-iron, red-iron, and iron for implements, to a total amount of 3,000 tons.
- (5) *Various appliances and engines and parts of engines*, such as measuring instruments for the use of mines, drills, pneumatic mining-hammers, compressed air-pumps, industrial, factory boring, straightening and drilling machinery, traction-engines and motors to a total amount of 1,000 tons.
- (6) *Copper*, sheet-copper, copper wire, copper tubing, to the total amount of 100 tons.
- (7) *Rolling-stock, i.e. :*
 - (a) railway engines of standard gauge, 20 and 15, total 35 engines.
 - (b) wagons, normal gauge, 550 wagons.
- (8) *Electro-technical articles for low-tension installations :*
to the value of 40,000,000 Polish marks.
- (9) *Paper*, 1,000 tons, *i.e. :*
 - (a) paper for rotary printing machines to a total amount of 400 tons.
 - (b) paper for printing on the flat to a total amount of 600 tons.
- (10) *Felt and sieves for the paper industry* (filtering-material), to the total amount of 20 tons, but only on condition that used filters are returned.
- (11) *Magnesite*, sintered, crushed, or in flakes, 500 tons.
- (12) *Leather* (Lederkrupons) for driving belts, 60 tons.

Article 4.

The Polish Government accepts the principle that the obligation, entered into by the Austrian railway administration, to repair in their own workshops 500 Polish locomotives within four years, constitutes a form of compensation on the part of Austria ; this service shall be reckoned, for the purposes of the present Agreement, as a portion of the compensation which has to be rendered during the period for which the Treaty remains in force.

Should this Agreement be prolonged or a new Agreement be concluded concerning the exchange of goods between Austria and Poland, further repairs of Polish locomotives undertaken by the Austrian railway administration for the Polish railway administration shall, similarly, be reckoned as compensation by the Polish Government.

Article 5.

It is agreed that, during the period for which the Treaty remains in force, and until the quantities laid down in the Agreement of March 17, 1920, are exhausted, both Parties shall continue to permit the export of these quantities to their respective countries, in addition to the amounts allowed to be exported under Articles 2 or 3 of the present Agreement.

Article 6.

No export duties or "Inkamerierungsgebühr" of any kind may be levied in respect of goods specified in Articles 2 and 3 of the present Supplementary Agreement, and in §§ 3 and 4 of the Agreement of March 17, 1920, with the exception of petroleum and petroleum products.

Article 7.

The present Agreement shall come into force on the day on which it is signed by the authorised representatives of both Governments and, as from June 1, 1921, may be denounced on the first day of any month. Should neither of the Contracting Parties exercise its right to denounce the Agreement, the present Agreement shall continue in force. The denunciation shall take effect at the expiration of one month reckoned from the day on which the other Contracting Party is notified. Export licences granted before the day on which the present Agreement expires shall be valid until they have served the purpose for which they have been issued.

Article 8.

This Agreement has been drawn up in duplicate in the German and Polish languages,

WARSAW, *January 8, 1921.*

For the Austrian Government:

(Signed) Dr. THEODOR LANGER,

*Department Councillor at the Ministry
of Trade, Commerce, Industry and Public Works.*

For the Polish Government:

(Signed) PRZANOWSKI,

Minister for Commerce and Industry.

FINAL PROTOCOL OF THE SUPPLEMENTARY AGREEMENT.

As a result of the signature of the Agreement which was concluded at Warsaw on January 8, 1921, as a supplement to the Agreement of March 17, 1920, regarding the regulation of trade between the REPUBLICS OF AUSTRIA and POLAND, the two Governments have agreed on the following provisions :

I.

The ordinary allowance of coal, consisting of 81,000 tons, referred to in § I of Article 2 of the Supplementary Agreement of January 8, 1921, shall consist of 51,000 tons of pit coal from the Dabrowa district and 30,000 tons of freshly extracted lignite from the Zawierci district. 80 % of the monthly allowance (13,500 tons) shall be at the entire disposal of the Austrian Government. The Polish Government shall retain the right to claim 20 % of the allowance of coal received from Poland for the use of those Austrian industries which supply goods to the Polish Government in conformity with the Supplementary Agreement of January 8, 1921, and to demand the allotment of the coal in question to such industries. The Austrian Government shall be under an obligation to comply with all requests in this connection emanating from the authorised office in Vienna, provided that any arrears in the monthly allowance referred to above are duly delivered. The Austrian Government shall retain the right to allocate to the firms indicated by Poland, in place of the Polish coal, coal of other origin, to the same quantity and of the same quality, if this course appears desirable.

If the Polish Government should not exercise this right within two months, no further claim can be made retrospectively, in a subsequent month, in respect of the portion of the monthly allowance which has not been utilised.

Any rights of disposal under this clause resulting from the Agreement of March 17, 1920, which may not have been exercised by the Polish Government are also to be regarded, up to December 31, 1920, as having lapsed.

The whole amount of coal which is exported to Austria up to December 31, 1920, after the exhaustion of the allowance authorised by the Agreement of March 17, 1920, will be accounted for by arrangement between the Panstwowy Urząd Wegłowy in Warsaw and the Coal Importation Company in Vienna, without being reckoned in the allowance provided for by the Supplementary Agreement of January 8, 1921.

Commercial transactions in connection with the deliveries and arrangements for despatch shall be entrusted, until further notice, exclusively to the Coal Importation Company, Ltd., at Vienna, IX, on behalf of the Austrian Government, and to the Panstwowy Urząd Wegłowy at Warsaw, Jasna, on behalf of the Polish Government.

Financial settlements in connection with the deliveries of coal shall take place in conformity with the corresponding provisions of the Agreement of March 17, 1920.

The Polish Government has instructed the Panstwowy Urząd Wegłowy at Warsaw to arrange, by means of orders sent to the mines, for the delivery of the coal purchased, and also for the issue of export licences and their transmission in good time, to the customs office concerned, so that the export licence shall be ready for issue two months in advance.

As regards the despatch of coal, the instructions in Annex 2 of the Agreement for Exchange of Goods, of May 21, 1919, shall remain in force.

II.

The petroleum products enumerated in Article 2, § 2, of the Supplementary Agreement of January 8, 1921, may be freely purchased direct from the Polish oil refineries, subject to approval of the conditions by the Panstwowy Urząd Naftowy at Warsaw.

The Polish Government will agree, in principle, to the export to Austria of 3,500 tons of benzine with specific gravity not exceeding 760.

In case Polish domestic requirements should make it impossible to export 3,500 tons of benzine with a specific gravity not exceeding 760, the Polish Government shall agree to allow the export to Austria of this quantity made up, either partly or wholly, of qualities of benzine with a specific gravity of more than 760.

III.

The quantities of horse-flesh which still remain to be exported from Poland to Austria in accordance with the Agreement of March 17, 1920 (Section II, § 3, Sub-paragraph 3*b*), and the geese which still remain to be exported under the Liquidation Agreement of March 12, 1920, § 4 of the Annex, sub-paragraph 3*a*, will not now be required by Austria; on the other hand the Polish Government undertakes to license the export of twenty-three wagon-loads of fresh eggs in place of the horse-flesh, and of thirteen wagon-loads of fresh eggs in place of the geese, commencing from July 1, 1921.

The Polish Government further undertakes to release for export to Austria, at the earliest possible moment, the sixty-nine wagon-loads of eggs which are still due under Section 2, § 3, sub-§ 3*a*, of the Agreement of March 17, 1920, if possible before April 1, 1921. The quantities of goods referred to in Article 2, § 3, of the Supplementary Agreement of January 8, 1921, and in § 3 of the present final protocol, may be purchased by the official authorised by the Austrian Government from the Jajczarski Syndicate at Cracow or from any of its members, provided that approval has previously been given by the Food Ministry at Warsaw.

The remaining obligations of the "Puzapp", under the Delivery Agreement of March 16, 1920 (Annex B to the Agreement of March 17, 1920), shall accordingly be regarded as having lapsed.

IV.

The undertaking given by the Austrian Government to license the export of the fifteen locomotives referred to in Article 3, § 7, of the additional section of the Supplementary Agreement of January 8, 1921, shall only hold good provided that the twelve wagon-loads of pit coal for every locomotive are delivered direct to the manufacturing firms, in addition to the ordinary allowance of coal laid down in Article 2, § 1.

V.

It is hereby declared that various goods have already been released by Austria for export to Poland at the request of the Polish Commercial Attaché at Vienna, in addition to the allowance provided for by the Agreement of March 17, 1920, as compensation for the exercise of the right of option by the Austrian Mineral Oil Office, under the terms of the Supplementary Agreement of March 17, 1920, and that these goods should be of a value equivalent to 150,000,000 Polish marks.

VI.

Should the export of the goods referred to in Articles 2 and 3 of the present Supplementary Agreement of January 8, 1921, be rendered impossible by the action of unauthorised persons within the territory of the exporting State, in spite of the fact that export licences have been duly issued, the Government of the exporting State shall make good any loss which is proved to have been actually incurred by the other Party to the Agreement. This compensation shall, however, in no

case exceed the purchase price of the goods, according to the invoice, with the addition of any railway charges (demurrage, warehousing). The same provisions apply in the case of any exceptional delay in export resulting from some unauthorised act. In the latter case, however, the only claims for compensation which may be made are those for the payment of railway charges incurred (demurrage, warehousing).

WARSAW, *January 8, 1921.*

For the Austrian Government :
(Signed) Dr. THEODOR LANGER,
*Councillor in the Ministry of Commerce,
Industry and Buildings.*

For the Polish Government :
(Signed) PRZANOWSKI,
Minister for Industry and Trade.
