

N° 1850.

AUTRICHE ET POLOGNE

Accord concernant l'exécution des articles 266, dernier alinéa, et 273 du Traité de Saint-Germain. Signé à Vienne, le 24 février 1928.

AUSTRIA AND POLAND

Agreement regarding the Execution of Articles 266, Last Paragraph, and 273 of the Treaty of Saint-Germain. Signed at Vienna, February 24, 1928.

¹ TRADUCTION. — TRANSLATION.

No. 1850. — AGREEMENT BETWEEN AUSTRIA AND POLAND REGARDING THE EXECUTION OF ARTICLES 266, LAST PARAGRAPH, AND 273 OF THE TREATY OF SAINT-GERMAIN. SIGNED AT VIENNA, FEBRUARY 24, 1928.

French official text communicated by the Chargé d'Affaires a. i. of the Polish Delegation accredited to the League of Nations. The registration of this Agreement took place October 9, 1928.

THE GOVERNMENT OF THE POLISH REPUBLIC and THE FEDERAL GOVERNMENT OF THE AUSTRIAN REPUBLIC, being desirous of settling the questions arising out of Articles 266, last paragraph, and 273 of the Treaty of St.-Germain, and wishing to conclude an agreement to that effect without prejudice to their respective legal points of view, have appointed as their Plenipotentiaries :

THE GOVERNMENT OF THE POLISH REPUBLIC :

Dr. Zbigniew SMOLKA, Member of the Supreme Administrative Court, Head of the Liquidation Section at the Legation of the Polish Republic ;

THE FEDERAL GOVERNMENT OF THE AUSTRIAN REPUBLIC :

Dr. Victor KIENBÖCK, Federal Minister of Finance ;

Who, being duly authorised, have agreed to the following :

Article 1.

In order to settle finally and completely by means of a lump sum payment all claims which could be put forward by the Polish Government under Article 266, last paragraph, and Article 273, of the Treaty of St.-Germain, the Austrian Federal Government shall pay the Polish Government to the Finance Ministers account at the Polish Bank at Warsaw, the sum of 325,000 (three hundred and twenty-five thousand) Austrian schillings, within a period of two months from the coming into force of the present Agreement. This payment shall in no case be set off against any claims which the Austrian Federal Government may raise against the Government of the Polish Republic.

Article 2

The Government of the Polish Republic shall declare all its claims against the Austrian Republic in respect of the execution of Article 266, last paragraph, and Article 273 of the Treaty of

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

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

St.-Germain, without distinction as to the nature, composition and place of the legacies, donations and funds, associations and public corporations referred to in the above-mentioned Articles, to be completely and finally satisfied and settled.

Article 3.

As regards the central organisation of the former Austrian Red Cross Society, the two Governments jointly declare as follows :

(a) The property of the aforesaid central organisation situated on the territory of each of the two States shall, without any compensation, belong to the Red Cross organisation of the respective Governments.

(b) Neither the Polish Red Cross organisation nor the Polish Republic shall be liable for the debts of the central organisation of the former Austrian Red Cross Society (including the two lottery loans of 1882 and 1916).

Consequently, all questions concerning the central organisation of the former Austrian Red Cross Societies shall be regarded as finally settled between the two Governments.

Article 4.

As regards the Gold Cross Society, it shall be left to the Austrian Gold Cross Society and the Polish Gold Cross Society, in view of the humanitarian nature of the said societies, to come to a direct understanding between themselves as to the respective allocation of vacancies in their convalescent homes among their members.

Article 5

The present Agreement shall not apply to foundations of a strictly ecclesiastical (denominational) nature.

Article 6.

As regards the funds known as *Wohnungsfürsorgefonds* and *Kaiser Franz Joseph Regierungsjubiläumsfonds 1908* the two Governments note the following :

The Federal Government of the Austrian Republic declares that the said funds, being administrative funds of the State, represent a part of the State property.

The Government of the Polish Republic declares that it requests that the claims of the two funds on debtors residing in the territory of the Polish Republic should be considered as transferred to the Polish Republic, provided that the Reparation Commission does not include the aforesaid claims in the valuation effected in virtue of Article 208 of the Treaty of St.-Germain.

On this understanding, the Federal Government of the Austrian Republic agrees to the above request.

Article 7.

As regards ecclesiastical funds, the two contracting Governments recognise by common agreement that the said funds are to be considered as funds having an independent legal personality, which, being organised according to the various kingdoms and provinces represented on the former Imperial Council of Austria-Hungary, were clearly distinct from State property. The two contracting Governments therefore reciprocally renounce all claims with regard to the above-mentioned funds.

Article 8.

The present Agreement shall not prejudice any special agreements concerning the institutions covered by Articles 266, last paragraph, and 273 of the Treaty of St.-Germain which may have been concluded previously between the two contracting Governments.

Article 9.

The present Agreement shall come into force on the day of signature.

In faith whereof the above-named Plenipotentiaries have signed the present Agreement.

Done at Vienna on February the twenty-fourth, one thousand nine hundred and twenty-eight, in two copies, one of which shall be handed to each of the contracting Governments.

*For the Government
of the Polish Republic :*

(Signed) SMOLKA.

*For the Federal
Government of the Austrian Republic :*

(Signed) KIENBÖCK.
