

N° 1934.

AUTRICHE ET ROUMANIE

Accord relatif à la libération des dépôts appartenant aux ressortissants respectifs des Hautes Parties contractantes, avec protocole. Signés à Vienne, le 26 juillet 1924.

AUSTRIA AND ROUMANIA

Agreement concerning the Release of Deposits belonging to the respective Nationals of the High Contracting Parties, with Protocol. Signed at Vienna, July 26, 1924.

¹ TRADUCTION. — TRANSLATION.

No. 1934. — AGREEMENT² BETWEEN AUSTRIA AND ROUMANIA
 CONCERNING THE RELEASE OF DEPOSITS BELONGING TO THE
 RESPECTIVE NATIONALS OF THE HIGH CONTRACTING PARTIES.
 SIGNED AT VIENNA, JULY 26, 1924.

French official text communicated by the Federal Chancellor of the Austrian Republic. The registration of this Agreement took place January 24, 1929.

THE FEDERAL PRESIDENT OF THE AUSTRIAN REPUBLIC and HIS MAJESTY THE KING OF ROUMANIA, being desirous of arriving at an agreement for the release of deposits, have resolved to conclude an Agreement for this purpose and have appointed as their Plenipotentiaries :

THE FEDERAL PRESIDENT OF THE AUSTRIAN REPUBLIC :

His Excellency Dr. A. GRÜNBERGER, Federal Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF ROUMANIA :

His Excellency M. I. NISTOR, Minister of State ;

Who, having communicated their full powers, found in good and due form, have agreed upon the following provisions :

Article I.

The Government of the Austrian Republic undertakes to release or cause to be released, without restriction except as provided in Article IV, open or sealed deposits, safe-deposits, pledges of all kinds, particularly military pledges which, on the date when application is made for their release, are still deposited within its territory with any authority, in State banks, or with notaries public, credit establishments, bankers or private person, so far as these deposits belong to Roumanian nationals who are domiciled in Roumanian territory or who formerly had their domicile in Austrian territory but transferred it to a place outside Austria prior to October 16, 1920.

For the purposes of this Agreement, natural and juridical persons and corporate bodies, foundations and public funds shall be deemed to be Roumanian nationals, if it be established, in virtue of Article 266 of the Treaty of St. Germain or of special agreements concluded or to be concluded under the provisions of Article 273 of the said Treaty, that the respective securities fall to Roumania.

These provisions shall also apply to deposits belonging to Governmental institutions whose registered offices are situated in the territory ceded in virtue of the Treaties of St. Germain and Trianon, to provinces, and to communes.

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.

² The exchange of ratifications took place at Vienna, October 16, 1925.

If the securities have been continuously deposited since September 10, 1919, as the deposit of a Roumanian national with one of the depositaries mentioned in the first paragraph of this Article, no further proof of ownership shall be necessary. In such a case only the identity of the national making the application need be established. Proof of Roumanian nationality shall be furnished if necessary by a certificate from the competent Roumanian authority.

For all other deposits, proof of ownership must be established by means of official certificates, merchants' account-books, other documents or other evidence admissible under the Code of Civil Procedure.

Article II.

Applications for the release of deposits, accompanied by documentary evidence, shall be submitted direct to the depositaries in the place where the deposit is kept, or to the Royal Roumanian Ministry of Finance, which shall transmit the applications within thirty days to the Austrian Federal Ministry of Finance.

Applications for release must be submitted within five months of the entry into force of this Agreement.

Article III.

If the securities to be released are not deposited with Austrian depositaries, but are kept outside Austrian territory at the disposal of the said depositaries, the Austrian Federal Government undertakes to permit (or to take the necessary measures for) drawing-up or the delivery, as the case may be, of the documents required, and to take all action and afford all facilities necessary to enable the owner to recover his deposit.

Article IV.

Securities to be released under this Agreement shall not be subject to property tax nor to any other duty.

They shall also be exempt from other State administrative measures which might impede or prevent release. The Austrian Federal Government shall revoke all measures of guarantee and other measures of a similar character which are contrary to the present provisions, if they have not already been cancelled.

For the purposes of this Agreement, the term "release" as regards deposits existing on September 10, 1919, shall be taken to mean the granting by the competent Governmental authority of permission to release and export.

Nevertheless, as regards securities deposited after September 10, 1919, the general provisions in force for nationals of all countries, including Austria, concerning the trade in and export of foreign exchange, bills and securities, shall not be affected.

Any obligation based upon a legal title in accordance with international law shall not be affected by the release provided for in Article I, but must be discharged in accordance with ordinary law or with the provisions of agreements concluded or to be concluded.

Article V.

The following securities of the Austrian or Hungarian public debt issued prior to July 28, 1914, and included in the deposits to be released, shall be exempt from stamping :

- (1) Securities belonging to deposits of public institutions whose registered offices are situate in the territory transferred to Roumania, provided those deposits were constituted prior to October 31, 1918 ;

(2) Securities revert to Roumania as the result of the distribution of the assets of funds, foundations, bequests, scholarships, donations, social insurances, technical reserves for private insurances, of the " Postsparkassenamt ", of the Austro-Hungarian Bank, etc. ;

(3) Securities belonging to a Roumanian national whose appeal against Austrian stamping has been admitted, according to the rules laid down by the Reparation Commission ; and

(4) Securities belonging to any Roumanian national under the conditions laid down in this Agreement, but only up to a nominal value of 25,000,000 (twenty-five million) crowns paper or silver and 400,000 (four hundred thousand) crowns gold or other currencies.

These securities shall be included in the block assigned to Roumania for stamping, and notification shall be given to the Reparation Commission for this purpose.

These provisions shall not apply to the following securities :

(a) Securities acquired against payment after July 16, 1920, and, in the case of Hungarian securities, after July 26, 1921 ;

(b) Securities the holder of which had on July 16, 1920, and, in the case of Hungarian securities, on July 26, 1921, his residence, registered offices or a branch in the territory of the Austrian Republic.

Article VI.

The Government of the Kingdom of Roumania shall transmit to the Austrian Federal Government, within six months of the entry into force of the present Agreement, a list of securities which, in virtue of Article V, No. 4, are to be exempted from Austrian stamping. This list must show the name and address of the holder, place of deposit, category, nominal capital, and numbers of the securities, and also the date of acquisition.

In doubtful cases the Austrian Government expressly reserves the right to require of the holder documentary proof that the conditions laid down in this Agreement have been fulfilled.

Article VII.

The Royal Roumanian Government undertakes to hand over, or cause to be handed over, under the same conditions as are laid down in this Agreement, deposits belonging to Austrian nationals and placed in the territory transferred to Roumania in virtue of the Treaties of St. Germain and Trianon.

It is understood that the provisions of this Article do not apply to property, rights and interests situated in the pre-war territory of the Kingdom of Roumania (prior to August 27, 1916).

Article VIII.

The present Agreement shall come into force on the date of ratification.

Article IX.

The present Agreement shall be ratified, and the ratifications shall be exchanged at Vienna as soon as possible.

In faith whereof the Plenipotentiaries have affixed their signatures and their seals.

Done in duplicate at Vienna on July 26, 1924.

(Signed) A. GRÜNBERGER.

(Signed) I. NISTOR.

PROTOCOL.

On signing the Agreement of this day's date concerning the release of deposits belonging to the nationals of Austria and Roumania respectively, the undersigned Plenipotentiaries, being also desirous of regulating the restitution of saved property (*Bergegüter*) from the Bukovina, have agreed upon the following provisions :

Article I.

The Austrian Government shall deliver immediately to the Roumanian Government, all saved property belonging to the Bukovina which has not yet been restored to Roumania (for instance, the Czernowitz *Finanzlandeskasse*, the Czernowitz *Staatsgewerbeschule*, the *Lebensmitteluntersuchungsanstalt*, the *Greek Orthodox Religions-Fund = griechisch-orientalischer Religionsfonds*, etc.), in the place where the said property is situated, and without a previous inventory, in the sealed boxes in which it has been kept since it was removed to Austria.

Before restitution is effected, the Roumanian Government shall undertake to settle any outstanding debts in respect of the said property, as provided for in the Convention regarding debts and claims.

Article II.

Securities belonging to the Austrian Republic or to Austrian nationals, whether natural or juridical persons, and contained in the said boxes, shall be restored to the Austrian Government by the Roumanian authorities.

Article III.

The Roumanian Government likewise undertakes to credit to Austria's reparation account the equivalent of property belonging to the former Austrian Monarchy, should such property chance to be contained in the above-mentioned boxes.

Article IV.

The cost of the transport of these boxes on the Austrian railway system shall be borne by the Austrian Federal Government.

Article V.

The present Protocol shall come into force immediately upon ratification.

Done at Vienna on July the twenty-sixth, one thousand nine hundred and twenty-four, in two copies, one to be delivered to each of the signatory States.

For Austria :

(Signed) A. GRÜNBERGER.

For Roumania :

(Signed) I. NISTOR.