

N° 2391.

ALLEMAGNE ET BELGIQUE

Accord relatif aux biens, droits et intérêts allemands en Belgique, avec protocole de signature. Signés à Berlin, le 13 juillet 1929.

GERMANY AND BELGIUM

Agreement regarding German Property, Rights and Interests in Belgium, with Protocol of Signature. Signed at Berlin, July 13, 1929.

TEXTE ALLEMAND. — GERMAN TEXT.

N^o 2391. — ACCORD¹ ENTRE L'ALLEMAGNE ET LA BELGIQUE RELATIF AUX BIENS, DROITS ET INTÉRÊTS ALLEMANDS EN BELGIQUE. SIGNÉ A BERLIN, LE 13 JUILLET 1929.

N^o 2391. — ABKOMMEN¹ ÜBER DIE DEUTSCHEN GÜTER, RECHTE UND INTERESSEN IN BELGIEN. GEZEICHNET IN BERLIN AM 13. JULI 1929.

Textes officiels français et allemand communiqués par le ministre des Affaires étrangères de Belgique et le consul général d'Allemagne à Genève. L'enregistrement de cet accord a eu lieu le 14 juillet 1930.

French and German official texts communicated by the Belgian Minister for Foreign Affairs and the German Consul-General at Geneva. The registration of this Agreement took place July 14, 1930.

SA MAJESTÉ LE ROI DES BELGES et LE PRÉSIDENT DU REICH ALLEMAND, animés du désir de régler aussitôt que possible les questions se rapportant aux biens, droits et intérêts allemands en Belgique, ont désigné à cet effet comme leurs plénipotentiaires :

SEINE MAJESTÄT DER KÖNIG DER BELGIER und DER DEUTSCHE REICHSPRÄSIDENT von dem Wunsche beseelt, die Fragen, welche die deutschen Güter Rechte und Interessen in Belgien betreffen, sobald als möglich zu regeln, haben zu diesem Zweck zu ihren Bevollmächtigten ernannt :

SA MAJESTÉ LE ROI DES BELGES :

M. Hector DEDUYTSCHAEVER, directeur général au Ministère des Finances; et
M. Jean-Maurice MARX, avocat à la Cour d'appel de Bruxelles et conseiller juridique du Gouvernement belge ;

SEINE MAJESTÄT DER KÖNIG DER BELGIER :

den Generaldirektor im Finanzministerium Hektor DEDUYTSCHAEVER, und den Advokaten am Obergericht in Brüssel und Rechtsbeistand der Belgischen Regierung Jean-Maurice MARX ;

LE PRÉSIDENT DU REICH ALLEMAND :

Le Dr Richard FUCHS, conseiller ministériel au Ministère des Finances ;

DER DEUTSCHE REICHSPRÄSIDENT :

den Ministerialrat im Reichsfinanzministerium Dr. Richard FUCHS,

Qui, après s'être communiqué leurs pleins pouvoirs, lesquels ont été reconnus en bonne et due forme, sont convenus des dispositions suivantes :

Die nach gegenseitiger Mitteilung ihrer in guter und gehöriger Form befundenen Vollmachten die nachstehenden Bestimmungen vereinbart haben :

Article premier.

Artikel 1.

Conformément à la recommandation contenue dans la partie 9 du Rapport des experts signé à

Gemäss der Empfehlung im 9. Teil des am 7. Juni 1929 in Paris unterzeichneten Sachver-

¹ L'échange des ratifications a eu lieu à Paris, le 14 avril 1930. L'accord est entré en vigueur le 17 mai 1930.

¹ The exchange of ratifications took place at Paris, April 14, 1930. The Agreement came into force May 17, 1930.

comme président du Tribunal arbitral prévu à l'article 10, M. Charles Guex, professeur de l'Université de Lausanne, s'il est disposé à accepter ces fonctions.

Präsidenten des im Artikel 10 vorgesehenen Schiedsgerichts Herrn Charles Guex, Professor an der Universität Lausanne, bestimmen werden, falls er bereit ist, diese Aufgabe zu übernehmen.

Fait à Berlin, en double exemplaire, en français et en allemand, le 13 juillet 1929.

Ausgefertigt in Berlin in doppelter Urschrift, in französischer und deutscher Sprache, am 13. Juli 1929.

(Signé) H. DEDUYTSCHAEVER,

(g.) H. DEDUYTSCHAEVER

(Signé) J. M. MARX,

(g.) J. M. MARX.

(Signé) FUCHS.

(g.) FUCHS.

¹ TRADUCTION. — TRANSLATION.

No. 2391. — AGREEMENT BETWEEN GERMANY AND BELGIUM REGARDING GERMAN PROPERTY, RIGHTS AND INTERESTS IN BELGIUM. SIGNED AT BERLIN, JULY 13, 1929.

HIS MAJESTY THE KING OF THE BELGIANS and THE PRESIDENT OF THE GERMAN REICH, being desirous of settling as soon as possible the questions relating to German property, rights and interests in Belgium, have to this end appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF THE BELGIANS :

M. Hector DEDUYTSCHAEVER, Director-General in the Finance Ministry, and
M. Jean-Maurice MARX, Advocate of the Court of Appeal in Brussels and Legal Adviser to the Belgian Government ;

THE PRESIDENT OF THE GERMAN REICH :

Dr. Richard FUCHS, Ministerial Councillor in the Finance Ministry,

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

Article 1.

In accordance with the recommendation contained in Part 9 of the Experts' Report signed in Paris on June 7, 1929, the Belgian Government will forego, as from the date of signature of the said Report, all exercise of its powers under Article 297 *b* and Article 121 of the Treaty of Versailles to seize, retain or liquidate the property, rights and interests of German nationals, or of German companies or companies controlled by Germans, either in Belgium or in the Belgian Congo, or in

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.

territories under Belgian mandate, in so far as such property, rights or interests were not already liquid, liquidated, or retained at the same date.

The only property, rights or interests considered to be liquid, liquidated or retained, as at the date of June 7, 1929, within the meaning of the present Agreement are :

(a) The property, rights and interests which at this date had been definitively transferred by the two parties to third parties, or in respect of which notice of acquisition by the Belgian State had been given ; before the same date as provided for in Article 15 of the Belgian Law of November 17, 1921, or in Article 14 of the Decree of August 9, 1922 ;

(b) Claims in so far as recovered by the sequestrator or by the Belgian Government at this date ;

(c) Cash assets within the meaning of 11 of the Annex to Section IV of Part X of the Treaty of Versailles sequestrated at the same date.

Article 2.

At the moment of the coming into force of the present Agreement all prohibitions, other than common law prohibitions, which obstruct the free exercise of the rights and interests referred to in the first paragraph of Article 1 will cease to be enforced.¶

Article 3.

Property in the possession of the Belgian Government will be restored to those entitled thereto together with the yield and income up to June 7, 1929, within a period of one month from the lodging of the claim by the parties interested.

Property not liquidated, liquid or retained, belonging to a company which is in liquidation owing to having been under German control, will be restored to the partners or shareholders, who will be required to nominate for this purpose a common representative. The German Government will furnish the Belgian Government at its request and as far as possible with all necessary information as to the rights of ownership and identity of the claimants. The Belgian State and the sequestrator shall not be held in any way responsible for restitutions made in error or the basis of such information.

Article 4.

The property will be handed over as it stands in fact and at law, together with the rights and advantages attaching thereto and the charges incumbent thereon, and without any deduction for the costs and fees of sequestration or liquidation.

Article 5.

The debts and other obligations of the sequestrated property, not already settled by the sequestrator or the Belgian State, will be taken over by the beneficiary of the restitution.

The latter may refuse the restitution. In this case the Belgian Government will take over, to the amount of the net proceeds derived or to be derived from the entire liquidation of the property, rights or interests sequestrated, such debts and other obligations as may remain chargeable thereto in accordance with precedents, or such judicial decisions as may be taken, or such arrangements as may be concluded with the interested parties.

Article 6.

German nationals and German companies which have repurchased their property, rights or interests before the coming into force of the present Agreement will be exempt from such part of the purchase price as has not yet been paid on June 7, 1929.

Nevertheless, the interested party shall continue his payments in so far as the price paid plus the proceeds of his other property, rights or interests which are liquid, liquidated, or retained, is insufficient to meet his debts and other obligations.

Article 7.

It is understood that the Belgian Government will cease to claim deliveries of securities in execution of paragraph 10 of the Annex to Section IV of Part X of the Treaty of Versailles.

Article 8.

As from June 7, 1929, the Belgian Government will no longer exercise the rights conferred upon it by paragraphs 5, 6 and 7 of Article 306 of the Treaty of Versailles.

Article 9.

It is understood that the provisions of the present Agreement in regard to claims and debts do not apply to the claims and debts referred to in Article 296 of the Treaty of Versailles.

The German-Belgian Mixed Arbitral Tribunal will alone be competent to decide whether a claim notified to the Belgian or German Clearing Office and not definitively withdrawn is to be considered as falling under Article 296 of the Treaty of Versailles.

Article 10.

Differences between the High Contracting Parties as to the interpretation or application of the present Agreement or of the annexed Protocol will be submitted to a tribunal composed of a national of each of the two High Contracting Parties with a third arbitrator acting as chairman and belonging to a nation which took no part in the War.

The chairman will be appointed by common agreement between the two parties. In the event of such agreement not being reached within a period of three months from the request of one of the parties the third arbitrator will be appointed by the President of the Permanent Court of International Justice at The Hague.

Article 11.

Immediately after the coming into force of the Experts' Report, signed in Paris on June 7, 1929, and in conformity with the recommendation contained in Part 9 of the said Report, the High Contracting Parties will enter into negotiations for the definitive settlement of the other questions relating to the provisions of Sections III, IV and VI of Part IX of the Treaty of Versailles.

Article 12.

The present Agreement will be ratified and will come into force after the exchange of the instruments of ratification at the same time as the treaties or agreements to be concluded with relation to the Experts' Report.

This exchange will take place at the same time and place as the exchange of the instruments of ratification of the said treaties or agreements.

In faith whereof the respective Plenipotentiaries, duly authorised to this effect, have signed the present Agreement and have thereto affixed their seals.

Done at Berlin, in duplicate French and German texts, July 13, 1929.

(Signed) H. DEDUYTSCHAEVER.

(Signed) J. M. MARX.

(Signed) FUCHS.

PROTOCOL OF SIGNATURE.

In signing the present Agreement of to-day's date concerning German property, rights and interests in Belgium, the undersigned, duly authorised to this effect, have agreed to the following provisions, which shall be considered as forming an integral part of the said Agreement :

Ad Article 1.

Exceptionally the property, rights and interests regarded as liquidated or retained within the terms of the Agreement shall include such property under sequestration on June 7, 1929, as has been definitively transferred by the two parties up to June 22, 1929, to third parties, or in respect of which notice of acquisition has been given before the same date, as provided for in Article 15 of the Belgian Law of November 17, 1921, or in Article 14 of the Decree of August 9, 1922.

Ad Articles 2 and 3.

Within three months of the signature of the Agreement, but not before its putting into force, the Belgian Government will forward to the German Government a list of the property, rights and interests specified in the first paragraph of Article 1. Nevertheless, the provisions of the said Agreement will not cease to be applicable to the property, rights and interests specified in the same paragraph which for any reason have not been entered on the said list.

As soon as possible afterwards the Belgian Government will forward to the German Government a list of the German property, rights and interests which are liquid, liquidated or retained. On the expiry of one year from the transmission of this last list the applications for restitution to which reference is made in Article 3 may no longer be presented to the Belgian Government.

Ad Article 10.

The two High Contracting Parties hereby agree to appoint as Chairman of the Arbitral Tribunal for which provision is made in Article 10, M. Charles Guex, Professor at the University of Lausanne, if the latter is prepared to accept that office.

Done in Berlin, in duplicate French and German texts, July 13, 1929.

(Signed) H. DEDUYTSCHAEVER.

(Signed) J. M. MARX.

(Signed) FUCHS.