

N° 3272.

ALLEMAGNE ET POLOGNE

Accord concernant la cessation des fonctions du tribunal arbitral mixte germano-polonais. Signé à Paris, le 1^{er} décembre 1931.

GERMANY AND POLAND

Agreement concerning the Termination of the Functions of the German - Polish Mixed Arbitral Tribunal. Signed at Paris, December 1, 1931.

¹ TRADUCTION. — TRANSLATION.

No. 3272. — AGREEMENT² BETWEEN THE GERMAN AND POLISH GOVERNMENTS, CONCERNING THE TERMINATION OF THE FUNCTIONS OF THE GERMAN-POLISH MIXED ARBITRAL TRIBUNAL. SIGNED AT PARIS, DECEMBER 1ST, 1931.

French official text communicated by the Polish Delegate accredited to the League of Nations. The registration of this Agreement took place September 25, 1933.

The undersigned, having been duly authorised to that effect by their respective Governments, have, in pursuance of Article V of the Arrangement³ between Germany and Poland of October 31, 1929, agreed on the following provisions :

Article I.

The German-Polish Mixed Arbitral Tribunal, established in virtue of Article 304 of the Treaty of Versailles, shall cease to function as from January 31, 1932.

On that date the functions of the President of the Tribunal, the members of the Tribunal nominated by the two Governments, the Secretaries of the Tribunal and the members of the Secretariat then still employed, shall come to an end.

Public hearings shall cease on the termination of the session of the Tribunal the opening of which is fixed for November 30, 1931.

Article II.

On January 31, 1932, the proceedings of the Mixed Arbitral Tribunal in all the cases then before it shall be regarded as closed.

In cases which are *sub judice* when the Tribunal ceases to function each Party shall bear its own expenses.

Article III.

A plaintiff who has lodged a plaint with the Mixed Arbitral Tribunal within the time-limits prescribed in its rules of procedure shall be entitled to carry such plaint before the competent judicial authority of the State of which the defendant is a national, within a year of the coming into force of the present Agreement, in so far as the plaint is made against individuals or juridical persons other than the State and provided that the Mixed Arbitral Tribunal has not passed final judgment.

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 Berlin, August 24, 1933.

³ Vol. CXXIV, page 345, of this Series.

Article IV.

It is understood that the bringing of the cases referred to in Article III before the Mixed Arbitral Tribunal has entailed an interruption of the periods of limitation provided for in the national laws. These periods will begin afresh on the coming into force of the present Agreement.

Article V.

The cases figuring in list No. I, deposited at the Secretariat in virtue of the decision of the Mixed Arbitral Tribunal of March 4, 1925, shall be considered, for the purposes of the application of Articles III and IV, as having been brought before the Mixed Arbitral Tribunal on March 31, 1925.

Article VI.

The parties may be represented before the competent judicial authority referred to in Article III, in conformity with the appropriate provisions relating to procedure.

A written power of attorney given by a party for proceedings before the Mixed Arbitral Tribunal shall remain valid for proceedings before the judicial authority competent under Article III of the present Agreement. The power of attorney must be accompanied by a translation certified correct ; for this purpose the attestation of the competent consul shall be sufficient. If the power of attorney has been given to the Government Agent accredited to the Mixed Arbitral Tribunal, the competent consul of the State in question shall be regarded *ipso facto* as the authorised representative. It is understood that the foregoing shall not be interpreted as being derogatory to national provisions concerning the obligation to be represented by counsel.

Article VII.

Each of the two Governments reserves the right to issue, within a period of one month from the coming into force of the present Agreement, provisions by which the cases which come within its jurisdiction in virtue of Articles III and V of this Agreement shall be brought, in the first instance, before one or more of the Courts competent to hear such cases under its national legislation.

Article VIII.

The archives of the Tribunal shall be divided into three parts :

(a) Administrative documents, documents referring to general matters, documents of closed cases and documents of cases not closed in which the plaintiffs are, according to the statements in the plaint, nationals of States other than Germany or Poland ;

(b) Documents of cases not closed in which the plaintiffs are, according to the statements in the plaint, nationals of Germany ;

(c) Documents of cases not closed in which the plaintiffs are, according to the statements in the plaint, nationals of Poland.

Part (a) shall be deposited at the present seat of the Mixed Arbitral Tribunal and shall be accessible to each of the two Governments.

Part (b) shall be handed over to the German Government, and part (c) to the Polish Government. Each of the two Governments shall have access to the documents in the possession of the other in cases in which the Government itself or its nationals were parties to the proceedings.

Article IX.

The funds of the Tribunal shall be divided between the two Governments proportionately to the deposits made by their respective nationals in cases *sub judice*, in accordance with the particulars contained in the Secretariat list dated $\frac{\text{June } 30}{\text{November } 20}$, 1931. It is agreed that these particulars shall serve as a basis for the above-mentioned calculation only, without prejudice to the actual question of nationality.

The proceeds of the sale of the movable property of the Tribunal shall be divided equally between the two Governments.

It is left to each of the two Governments to take the necessary action with regard to the sums which will thus be paid over to it. They reserve the right to apply in this respect the practice followed by the Tribunal and its decisions in the matter.

Article X.

The Arbitral Tribunal provided for in Article IV of the Arrangement between Germany and Poland of October 31, 1929, shall further be competent to decide, at the request of one of the Parties, any dispute arising out of the interpretation or application of the present Agreement, if such dispute cannot be settled through the diplomatic channel.

Article XI.

The present Agreement shall be ratified and the instruments of ratification shall be exchanged in Berlin. The Agreement shall come into force on the day of this exchange.

In faith whereof the Plenipotentiaries have signed the present Agreement.

Done in Paris, at the seat of the German-Polish Mixed Arbitral Tribunal, in two copies, one for each of the Contracting Parties, on December 1st, 1931.

For Poland :
ADAMKIEWICZ.

For Germany :
GÖPPERT.