

N° 3754.

AUTRICHE ET HONGRIE

Accord concernant les fondations gérées par les anciennes autorités impériales et royales communes, l'édifice de l'Académie consulaire, le palais de l'ambassade à Londres et les avoirs de Bosnie-Herzégovine, avec protocole additionnel. Signés à Rome, le 12 janvier 1934.

AUSTRIA AND HUNGARY

Agreement concerning the Foundations administered by the Former Imperial and Royal Joint Authorities, the Premises of the Consular Academy, the Embassy Building in London, and the Bosnian-Herzegovinian Assets, with Additional Protocol. Signed at Rome, January 12th, 1934.

TEXTE ALLEMAND. — GERMAN TEXT.

N^o 3754. — ÜBEREINKOMMEN ¹ ZWISCHEN DER REPUBLIK ÖSTERREICH UND DEM KÖNIGREICH UNGARN BETREFFEND DIE VON DEN EHEMALIGEN K. UND K. GEMEINSAMEN BEHÖRDEN VERWALTETEN STIFTUNGEN, DAS KONSULAR- AKADEMIEGEBÄUDE, DAS BOTSCHAFTSPALAIS IN LONDON UND DIE BOSNISCH-HERZEGOWINISCHEN AKTIVEN. GEZEICHNET IN ROM, AM 12. JÄNNER 1934.

Textes officiels allemand et hongrois communiqués par le représentant permanent de l'Autriche près la Société des Nations et le chef de la délégation hongroise près la Société des Nations. L'enregistrement de cet accord a eu lieu le 25 octobre 1935.

Von dem Wunsche beseelt, eine weitere Anzahl von Meinungsverschiedenheiten, die vor dem auf Grund des Vergleiches *de dato* Budapest, den 26. Februar 1923, errichteten österreichisch-ungarischen Schiedsgerichte anhängig sind, ohne jedes Präjudiz für den beiderseitigen Rechtsstandpunkt durch freundschaftliche Vereinbarung zu regeln, haben zu ihren Bevollmächtigten ernannt :

DER BUNDESPRÄSIDENT DER REPUBLIK ÖSTERREICH :

Herrn Dr. Viktor KIENBÖCK, Bundesminister für Finanzen a. D., Präsidenten der Österreichischen Nationalbank ;

SEINE DURCHLAUCHT DER REICHsverweser DES KÖNIGREICHES UNGARN :

Herrn Dr. Wilhelm Paul von TOMCSÁNYI, königlich ungarischen Justizminister a. D., Reichstagsabgeordneten ;

welche nach Prüfung ihrer in guter und gehöriger Form befundenen Vollmachten über Empfehlung des Präsidenten des oberwähnten Schiedsgerichtes, Herrn Dr. Agostino Soldati, übereingekommen sind, wie folgt :

Artikel 1.

(1) Das der Offiziers- und Mannschafsstiftung der österreichischen Waffenfabriksgesellschaft eigentümlich gehörige Haus in Wien, I., Schallautzerstrasse Nr. 4 (Reischachstrasse Nr. 3), Einlagezahl 1716 des Grundbuches Innere Stadt Wien, geht ins Eigentum der Stiftung „Magyar királyi honvéd tisztek és altisztek, valamint azok scaládtagjai segélyezési alapítványa“ (Stiftung zur Unterstützung von Offizieren und Unteroffizieren der königlich ungarischen Honved sowie deren Familienangehörigen) über.

(2) Der Eigentumsübergang an dieser Liegenschaft erfolgt satz- und schuldenfrei mit allen Rechten und Pflichten so wie der bisherige Eigentümer die Liegenschaft bisher besessen und benützt hat und zu besitzen und benützen berechtigt war. Für ein bestimmtes Ausmass oder eine bestimmte Beschaffenheit der Realität wird nicht Gewähr geleistet.

¹ L'échange des ratifications a eu lieu à Vienne, le 5 avril 1934.

TEXTE HONGROIS. — HUNGARIAN TEXT.

N^o 3754. — EGYEZMÉNY¹ AZ OSZTRÁK KÖZTÁRSASÁG ÉS A MAGYAR KIRÁLYSÁG KÖZÖTT A VOLT CS. ÉS KIR. KÖZÖS HATÓSÁGOK ÁLTAL KEZELT ALAPITVÁNYOK, A KONZULI AKADÉMIA ÉPÜLETE, A LONDONI NAGYKÖVETSÉGI PALOTA ÉS A BOSZNIA-HERCEGOVINAI AKTIVÁK TÁRGYÁBAN. ALÁIRATOTT RÓMÁBAN, 1934 JANUAR 12-ÉN.

German and Hungarian official texts communicated by the Permanent Representative of Austria to the League of Nations and by the Head of the Hungarian Delegation to the League of Nations. The registration of this Agreement took place October 25th, 1935.

Attól az óhajtól vezéreltetve, hogy a Budapesten 1923. évi február hó 26.-án kelt egyesség alapján létesített osztrák-magyar döntőbírótság előtt függőben levő egyes további vitás kérdések barátságos megegyezéssel, de mindkét szerződő fél jogi álláspontjára való minden prejudicium nélkül rendeztessenek, meghatalmazottaikká kinevezték :

ŐFÖMÉLTÓSÁGA A MAGYAR KIRÁLYSÁG KORMÁNYZÓJA :

Dr. TOMCSÁNYI Vilmos Pál nyugalmazott m. kir. igazságügyminiszter, országgyűlési képviselő urat,

AZ OSZTRÁK KÖZTÁRSASÁG SZÖVETSÉGI ELNÖKE :

Dr. KIENBÖCK Viktor urat, szolgálaton kívüli szövetségi pénzügyminisztert, az Osztrák Nemzeti Bank Elnökét,

akik jó és kellő alakban talált meghatalmazásaik megvizsgálása után, a fentemlitett döntőbírótság elnökének, dr. Soldati Ágoston urnak ajánlatára, a következőkben egyeztek meg :

I. cikk.

(1) Az Osztrák Fegyvergyár Társaság tisztí és legénységi alapítványának tulajdonát képező Bécs, I., Schallautzerstrasse Nr. 4 (Reischachstrasse Nr. 3), szám alatt fekvő a Bécs belvárosi 1716 számú telekkönyvi betétben felvett ház a « m. kir. honvéd tiszték és altiszték, valamint azok családtagjai segélyezési alapítványa » tulajdonába megy át.

(2) Az erre az ingatlanra vonatkozó tulajdonátruházás jelzálog- és tehermentesen mindazokkal a jogokkal és kötelezettségekkel történik, amelyekkel az ingatlant a jelenlegi tulajdonos birtokolta és használta, illetőleg azt birtokolni és használni jogosítva volt. Az ingatlannak meghatározott terjedelme és meghatározott állapota tekintetében szavatosság nem áll fenn.

¹ The exchange of ratifications took place at Vienna, April 5th, 1934.

¹ TRANSLATION.

No. 3754. — AGREEMENT BETWEEN THE REPUBLIC OF AUSTRIA AND THE KINGDOM OF HUNGARY CONCERNING THE FOUNDATIONS ADMINISTERED BY THE FORMER IMPERIAL AND ROYAL JOINT AUTHORITIES, THE PREMISES OF THE CONSULAR ACADEMY, THE EMBASSY BUILDING IN LONDON, AND THE BOSNIAN-HERZEGOVINIAN ASSETS. SIGNED IN ROME, JANUARY 12TH, 1934.

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA and HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY, being desirous of settling, by amicable agreement and without prejudice to their respective legal positions, a further series of disputes now pending before the Austro-Hungarian Court of Arbitration set up in pursuance of the arrangement dated Budapest, February 26th, 1923, have appointed as their Plenipotentiaries :

THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA :

Dr. Viktor KIENBÖCK, former Federal Finance Minister, President of the Austrian National Bank ;

HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY :

Dr. Wilhelm Paul TOMCSÁNYI, formerly Royal Hungarian Minister of Justice, Member of Parliament ;

Who, having examined their full powers, found in good and due form, have, on the recommendation of Dr. Agostino Soldati, President of the Court of Arbitration aforesaid, agreed as follows.

Article 1.

1. The house known as No. 4, Schallautzerstrasse (No. 3, Reischachstrasse), Vienna I, entry No. 1716 in the Land Register of Vienna (Inner City), being in the ownership of the Foundation in aid of the Officers and Men of the Austrian Arms Manufactory, hereby passes into the ownership of the "Magyar királyi honvéd tisztek és altisztek, valamint azok családtagjai segélyezési alapítványa" (Foundation for the Assistance of Officers and Non-Commissioned Officers of the Royal Hungarian Honved and their Dependents).

2. The real property aforesaid shall be conveyed free of all encumbrances or debts with all rights and obligations hitherto appertaining to the occupation and use of the same by the former owner as by law entitled, but without guarantees in respect of either the dimensions or condition thereof.

3. The handing-over of the said real property into the material possession and use of the Hungarian Foundation aforesaid shall take place three months after the coming into force of the present Agreement ; and all current rights and charges appertaining to the use thereof shall pass to the said Hungarian Foundation as from the date of handing-over.

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

4. In pursuance of the present Agreement, the conveyance of rights of ownership in respect of the said real property, entry No. 1716 in the Land Register of Vienna (Inner City), to the Hungarian Military Foundation to which paragraph 1 of the present Article relates shall be recorded in the said Land Register; and the motion of the "Finanzprokurator" (Public Prosecutor for the Revenue Department) in Vienna shall be sufficient for the purpose of such registration.

5. The conveyance of the property and the registration of the same in the Land Register shall be exempt from stamp duty, fees and increment tax.

Article 2.

1. Austria shall hand over to Hungary out of the property of the Foundations administered by the former Imperial and Royal Joint Central Services Hungarian gold bonds to a nominal value of 31,900 florins and other Hungarian pre-war bonds (including land charge redemption bonds) to a nominal value of 2,538,000 crowns and Hungarian War Loan to a nominal value of approximately 2,100,000 crowns, together with the current coupons (or coupon-sheets, where available). Where the said bonds are registered, they shall be converted from nominative into bearer bonds, and any markings indicating Austrian territorial possession shall be cancelled.

2. The said bonds (gold and other) shall not be handed over without the consent of the other States represented on the *caisse commune* and the *caisse commune* itself. If their consent is obtained, the said bonds shall be handed over within six months of the entry into force of the present Agreement and the notification by the Austrian Federal Government of its consent as aforesaid.

Article 3.

1. Hungarian nationals lodging in the Collegium Hungaricum in Vienna, who are desirous of making their studies at the Vienna Consular Academy, shall be admitted to the latter as external students to enable them to lodge and board at the Collegium Hungaricum and visit the Academy only for lectures (notwithstanding the rule that foreigners are not in principle admitted to the Academy except as internal students), and shall pay the annual fees fixed for external students.

2. In the event of any future reduction in the annual fees payable by external students of the Consular Academy of Austrian Federal nationality, such reduction shall apply equally to Hungarian nationals lodging at the Collegium Hungaricum, Vienna, who are admitted to the Academy as external students.

3. In the event of any future reduction in the charge for board made to internal students of Austrian Federal nationality, such reduction shall be accorded to not more than four Hungarian students.

Article 4.

Austria shall further pay to Hungary, within three months of the entry into force of the present Agreement, 300,000 (three hundred thousand) Swiss francs without interest out of the sums received by her from the Kingdom of Yugoslavia under the Agreement of February 24th, 1923, in execution of the provisions of the Treaty of St. Germain regarding certain real properties and rights of the former Bosnian-Herzegovinian Government and of the Exchange of Notes thereunto relating of March 30th, 1923.

Article 5.

1. As a result of the present Agreement, all Hungarian claims against Austria concerning :

(a) The foundations, funds, associations and the like administered or supervised by the former Imperial and Royal authorities, offices or institutions ;

- (b) The building and appurtenances of the Consular Academy in Vienna ;
- (c) The building of the former Austro-Hungarian Embassy in London ;
- (d) The Bosnian-Herzegovinian Assets ;

shall be deemed to have been fully and finally settled by compromise agreement.

2. In consequence whereof, no claims in respect of (a) to (d) above, whatsoever or howsoever arising, by Hungary or Hungarian nationals shall lie against Austria or Austrian nationals. More particularly, Austria shall enjoy complete freedom to apply Austrian rules and regulations in the settlement of all questions relating to the foundations, funds, associations and the like, administered or supervised by the former Imperial and Royal authorities, offices or institutions, other than those whose property has been made over to Hungary under the present Agreement, without regard to the rights, expectations or interests of present or future beneficiaries of the foundations or of any other person of Hungarian nationality interested therein. Hungary shall enjoy the same rights in respect of the property of the foundations, funds, associations and the like formerly administered or supervised by the Imperial and Royal authorities, offices or institutions, which have already passed, or are due under the present Agreement to pass, under Hungarian administration.

3. As from the coming into force of the present Agreement, the items hereinunder following of the claims contained in the principal Bill of Particulars submitted by the Royal Hungarian Government to the Austro-Hungarian Court of Arbitration set up in accordance with the arrangement dated Budapest, February 26th, 1923, shall be deemed null and void, namely :

- (1) Item No. 10, Chapter XII (Joint Foundations) ;
- (2) Item No. 4, Chapter VI (Consular Academy building) ;
- (3) Item No. 5, Chapter VII (London Embassy building) ;
- (4) Item No. 9, Chapter XI (Bosnian-Herzegovinian Joint Assets).

4. Entry No. 1178 in the Land Register of Vienna (Alsergrund) shall be so amended as to assign the rights of ownership, therein ascribed to the Imperial and Royal Consular Academy Fund, to the Austrian Consular Academy Fund ; and the motion of the "Finanzprokuratur" (Public Prosecutor for the Revenue Department) in Vienna shall be sufficient for the purpose of such amendment. The said amendment in the Land Register shall be exempt from stamp duty, fees and increment tax.

5. Hungary hereby expressly assents to the assignment of the current long lease of the former Embassy building at 18, Belgrave Square, London, to Austria or to the representative of Austria. Hungary further undertakes to supply at the Austrian Government's request any such documents, and to make any such declarations, as may be required under the laws of the United Kingdom to establish Austria's, or the representative of Austria's, exclusive title to the former Embassy building in London. Any costs involved in such transfer shall be borne by the Austrian Federal Government.

Article 6.

The High Contracting Parties do hereby expressly declare and admit that the compromise settlement, embodied in the present Agreement, of the questions therein dealt with shall be entirely without prejudice to their respective legal positions in respect of all other questions still pending between them.

Article 7.

In the event of any difference of opinion as to the interpretation and execution of the present Agreement, the provisions of the Austro-Hungarian Arbitration Treaties of April 10th, 1923, and January 26th, 1931, shall apply.

Article 8.

The present Agreement shall be ratified as soon as possible and shall come into force on the date of the exchange of the instruments of ratification, which shall take place in Vienna.

In faith whereof the respective Plenipotentiaries have signed the Agreement in two original copies in the German and Hungarian languages respectively, the one for Austria and the other for Hungary, and have thereto affixed their seals. In the event of any discrepancy between the two texts, the German text shall be authentic. A certified copy of each of the originals shall be submitted to the Court of Arbitration.

Done in Rome, the 12th day of January, 1934.

On behalf of Austria :

KIENBÖCK, *m. p.*

On behalf of Hungary :

TOMCSÁNYI, *m. p.*

ADDITIONAL PROTOCOL.

On the occasion of the signing of the Agreement between the Republic of Austria and the Kingdom of Hungary of to-day's date concerning the foundations administered by the former Imperial and Royal joint authorities, the Consular Academy building, the London Embassy building, and the Bosnian-Herzegovinian Assets, the two Plenipotentiaries record their agreement in regard to the following point :

Hungary's waiver of claims under Article 5 of the Agreement shall not apply to the Foundation of the Maria Theresa Military Order, in regard to which Foundation the respective legal positions of both Contracting Parties remain unaffected.

In faith whereof the respective Plenipotentiaries have signed the foregoing Protocol, which shall form an integral part of the Agreement.

ROME, *January 12th*, 1934.

On behalf of Austria :

KIENBÖCK, *m. p.*

On behalf of Hungary :

TOMCSÁNYI, *m. p.*