

**No. 364**

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**POLAND  
and  
CZECHOSLOVAKIA**

**Agreement concerning mutual return of property removed  
after the outbreak of war. Signed at Prague, on 12 Feb-  
ruary 1946**

*Polish and Czech official texts communicated by the Permanent Representative  
of Poland to the United Nations. The registration took place on 28 January  
1949.*

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**POLOGNE  
et  
TCHECOSLOVAQUIE**

**Accord relatif à la restitution mutuelle des biens enlevés après  
l'ouverture des hostilités. Signé à Prague, le 12 février  
1946**

*Textes officiels polonais et tchèque communiqués par le représentant permanent  
de la Pologne auprès de l'Organisation des Nations Unies. L'enregistrement  
a eu lieu le 28 janvier 1949.*

## TRANSLATION—TRADUCTION

No. 364. AGREEMENT<sup>1</sup> BETWEEN THE REPUBLIC OF  
POLAND AND THE CZECHOSLOVAK REPUBLIC CON-  
CERNING THE MUTUAL RETURN OF PROPERTY RE-  
MOVED AFTER THE OUTBREAK OF WAR. SIGNED AT  
PRAGUE, ON 12 FEBRUARY 1946

The President of the Republic of Poland and the President of the Czechoslovak Republic, being guided by the spirit of friendship and the desire to assist each other in the reconstruction of their respective countries and in repairing the damage caused by the German occupation during the war, have resolved for this purpose to conclude an agreement concerning the mutual return of property removed after the outbreak of war and have appointed as their plenipotentiaries:

The President of the Republic of Poland:

Mr. Stefan Wierbłowski, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Poland at Prague.

The President of the Republic of Czechoslovakia:

Dr. Vladimír Clementis, Secretary of State for Foreign Affairs,

who having exchanged their full powers, found in good and due form, have agreed on the following provisions:

*Article 1*

The High Contracting Parties agree to restore to each other without compensation or indemnity all property removed after the outbreak of war from the territory of each of the States concluding the present agreement to the territory of the other State, irrespective of whether such property was owned by the State, or by juridical or natural persons. The word "property" means, in particular, objects, equipment, stocks of manufactured goods, raw materials, products and other industrial, economic or agricultural property, means of transportation of any kind, equipment of scientific research institutions and laboratories, works of art, libraries, archives, registers, historical monuments of any kind, valuable articles of precious metals and stones, funds, deposits and securities.

<sup>1</sup> Came into force on 12 February 1946, as from the date of signature, in accordance with article 9.

*Article 2*

The property referred to in article 1 shall be deemed to have been removed if it was within the territory of one of the Contracting Parties before the outbreak of hostilities, that is to say, for the Republic of Poland before 1 September 1939 and for the Czechoslovak Republic before 17 September 1938, and if on the day of signature of the present agreement it is within the territory of the other Contracting Party or within the territory administered by the latter, irrespective of the present whereabouts of its owner.

Property referred to in article 1 and manufactured during the German occupation within the territory of one of the Contracting Parties in enterprises which were within its territory on the day of the outbreak of hostilities and removed during the German occupation to the territory of the other Contracting Party shall also be returned.

*Article 3*

In order to identify property to be returned under this agreement, the Government concerned shall communicate to the Government of the other Contracting Party the data regarding its removal.

Furthermore, each of the two Governments shall inform the Government of the other State regarding the property referred to in article 1 of the present agreement, that is within its territory.

*Article 4*

In view of the fact that in the majority of cases the original documents of requisition issued by the occupation authorities are missing, both Governments shall in such cases take into consideration the formal depositions of witnesses, trustworthy statements of firms concerned, industrial unions and scientific institutions, and other documents on the basis of which the property claimed may be identified.

*Article 5*

Each Contracting Party shall appoint two representatives to decide jointly regarding the validity of claims. The representatives shall carry out their functions in the capitals of both States: one Czechoslovak and one Polish representa-

tive shall decide jointly in Prague concerning claims in respect of property within the territory of the Czechoslovak Republic, and one Polish and one Czechoslovak representative shall decide jointly in Warsaw concerning claims in respect of property within the territory of the Republic of Poland.

Each Contracting Party shall appoint two assistant representatives authorized to act in the place of its representatives, and shall also supply the necessary office staff. In making the necessary investigations in order to establish the validity of claims, the representatives shall observe the obligatory regulations for the protection of industrial, commercial and military secrets.

In settling claims for the return of property, representatives shall proceed in a spirit of friendly co-operation and shall act speedily.

A decision regarding a claim for the return of property shall be drawn up in the form of a protocol signed by the representatives of both Contracting Parties. Application for a permit to export property to be returned shall subsequently be made within three days to the appropriate central authority by the representative of the Government of the Party within whose territory the property is situated. The appropriate central authority shall issue without delay a permit for the export of such property within ten days of its being informed by the representative.

#### *Article 6*

If the representatives fail to agree on whether a claim for return of property is justified, the fact shall be stated in a special protocol signed by the representatives and the matter referred for decision to a mixed commission.

Two mixed commissions shall be set up to act as necessary and shall function in the capitals of the Contracting Parties, namely, one in Prague to deal with matters relating to Polish property, and one in Warsaw to deal with matters relating to Czechoslovak property.

The mixed commissions shall each consist of two representatives of each of the Contracting Parties, one to be appointed by the Ministry for Foreign Affairs, the other, according to the case, by the appropriate central authority.

The commissions shall decide regarding the claims submitted to them for the return of property on the basis of the whole of the evidence, and the repre-

sentatives' protocols referred to in article 5, and the investigations may be supplemented if necessary, in particular by the statements of witnesses and the opinions of experts.

The mixed commissions shall deliberate under the chairmanship of one of the members of the commission of that State in whose territory the property claimed is situated.

The deliberations of the mixed commissions shall be conducted in a spirit of friendly co-operation and mutual help in repairing the damage caused to both countries by the German occupation and shall reach their decisions without delay and within three weeks.

Decisions taken by the mixed commissions and further procedure for the return of property shall conform to the provisions of article 5 of the present agreement.

In deciding whether a claim for the return of property is justified, the chairman of a mixed commission shall have equal rights with the other members of the commission.

#### *Article 7*

Each of the two Governments shall render assistance to the other in returning property by:

- (a) Issuing the necessary export papers;
- (b) Protecting the property during transport to the frontiers of its State;
- (c) Exempting the property from customs duties, taxes and fees;
- (d) Providing appropriate means of transportation, that is, railway wagons, boats, craft, and so forth, or entry permits for such means of transportation of the other State;
- (e) Issuing visas and identification papers to the workers carrying out the return of such property.

#### *Article 8*

The costs of the transport of returned property by rail shall be defrayed by the Contracting Parties in the following manner:

The accounts for the said transport shall be submitted to the representatives by the relevant railway administrations and forwarded by the representatives to their responsible Ministers of Communications. Such accounts shall be settled by these authorities by direct payment for reciprocal railway services in accordance with an agreement to be concluded separately.

To cover other costs connected with the return of property, the two Contracting Parties shall grant each other a quarterly credit to the amount of 1,500,000 Czechoslovak crowns for the Polish representatives and 1,500,000 zlotys for the Czechoslovak representatives. Settlement of accounts in respect of amounts drawn from the above-mentioned credits shall be made quarterly.

The basis for the calculation of the balance due to one of the Contracting Parties shall be the official wholesale price of coal at the pithead obligatory in the territory of each Contracting Party on the day of the settlement of accounts. Each Contracting Party undertakes to settle the balance so established in coal without delay.

If after the expiry of two settlement periods the aforementioned method of settling accounts is shown by experience to be inconvenient to either of the Contracting Parties, the Contracting Parties shall agree upon another method of settling accounts and meeting their mutual obligations.

Further conditions in regard to the aforementioned credit and settlement, and in particular the type and quality of the coal to be used as the basis of settlement, the choice of the offices to carry out this task, the place where it is to be carried out, the method of transport of the coal, and so forth, shall be determined separately by exchange of notes.

#### *Article 9*

The present agreement shall come into force on the date of signature and shall be ratified as soon as possible. The instruments of ratification shall be exchanged at Warsaw.<sup>1</sup>

The present agreement shall remain in force as long as the two Contracting Parties do not agree upon another method of settlement, or until its complete fulfilment, which shall be confirmed by the two Contracting Parties in a joint protocol.

<sup>1</sup> The instruments of ratification were exchanged on 13 November 1947.

IN FAITH WHEREOF the plenipotentiaries have signed the present agreement and have thereto affixed their seals.

DONE at Prague on the 12th day of February 1946.

The present Agreement has been drawn up in duplicate in the Polish and Czech languages, both texts being equally authentic.

[L.S.]

S. WIERBLOWSKI

[L.S.]

V. CLEMENTIS