

No. 1035

UNITED STATES OF AMERICA
and
AUSTRIA

Exchange of notes constituting an agreement relating to the duty-free entry and payment of transportation costs of relief supplies and packages for Austria. Vienna, 3 and 11 February 1949

Official text: English.

Registered by the United States of America on 7 February 1951.

ÉTATS-UNIS D'AMÉRIQUE
et
AUTRICHE

Echange de notes constituant un accord relatif à l'entrée en franchise et au paiement des frais de transport des fournitures et des colis de secours destinés à l'Autriche. Vienne, 3 et 11 février 1949

Texte officiel anglais.

Enregistré par les Etats-Unis d'Amérique le 7 février 1951.

No. 1035. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND AUSTRIA RELATING TO THE DUTY-FREE ENTRY AND PAYMENT OF TRANSPORTATION COSTS OF RELIEF SUPPLIES AND PACKAGES FOR AUSTRIA. VIENNA, 3 AND 11 FEBRUARY 1949

I

The American Minister to the Austrian Minister of Foreign Affairs

AMERICAN LEGATION

No. 13

Vienna, February 3, 1949

Sir:

Pursuant to the instructions of my Government, I have the honor, in conjunction with Clyde N. King, Chief of the ECA Mission for Austria, to propose that for the purpose of giving effect to Article V, paragraph 2, read with Article IV, paragraph 5, of the Economic Cooperation Agreement between the Governments of Austria and the United States of America, signed on July 2, 1948,² the Governments of Austria and of the United States agree as follows:

1. The Government of Austria shall accord duty-free entry into Austria of:
 - (a) Supplies of relief goods or standard packs donated to or purchased by United States voluntary nonprofit relief agencies qualified under Economic Cooperation Administration (hereinafter referred to as ECA) regulations and consigned to such charitable organizations (including Austrian branches of these agencies), as have been or hereafter shall be approved by the Austrian Government.
 - (b) Relief packages originating in the United States and sent by parcel post or other commercial channels addressed to an individual residing in Austria whether privately packed or by order placed with a commercial firm.
 - (c) Standard packs put up by United States voluntary nonprofit relief agencies, or their approved agents, qualified under ECA regulations,

¹ Came into force on 11 February 1949, by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 21, p. 29.

to the order of individuals in the United States and sent for delivery addressed to individuals residing in Austria.

2. For the purpose of this agreement, the term "relief goods" (subparagraph (a), above) shall not include tobacco, cigars, cigarettes, or alcoholic liquors; "relief packages" (subparagraph (b), above) shall include only such goods as are qualified for ocean freight subsidy under the ECA Act and regulations issued by the Administrator thereunder and shall not exceed 44 pounds (20 kilograms) gross weight; and "standard packs" (subparagraph (c), above) shall contain only such articles which qualify under ECA regulations and are approved by the Government of Austria.

3. Transportation charges (as defined in paragraph 5 of Article IV of the Economic Cooperation Agreement) in Austria on "relief goods", "relief packages", and "standard packs", all as defined in paragraph 1, above, shall be defrayed as follows:

- (a) The amount of such charges for all such shipments which are sent by U. S. parcel post addressed to individuals in Austria will be computed by the Austrian postal service in the manner now or hereafter provided by the applicable agreements, rules and regulations of the International Postal System. Such charges shall be reimbursed to the Austrian postal service out of the special account provided for in Article IV of the Economic Cooperation Agreement between the United States of America and Austria (hereinafter referred to as the special account) and no claim for such charges will be made against the United States.
- (b) With respect to shipments which are originally despatched from the U. S. by any regular established commercial channels and forwarded in Austria by an approved agent of the shipper to the ultimate beneficiary by Austrian parcel post, such items shall be accepted by Austrian postal services without payment of postal charges by such agent. The Austrian Government shall be reimbursed for such parcel post charges out of the special account upon presentation of adequate documentation.
- (c) With respect to shipments which are originally despatched from the U. S. by any commercial channel and forwarded in Austria by an approved agent of the shipper to the ultimate beneficiary by Austrian common carrier or contract carrier, or other means of transport arranged by such agent, such items shall be accepted by such Austrian carrier with or without payment of charges therefor by such agent. The Austrian Government shall reimburse such agent or Austrian

carrier, as the case may be, out of the special account upon presentation of adequate documentation.

- (d) With respect to any such charges which may be incurred by an agent of a shipper under subparagraphs (b) and (c), above, other than parcel post charges and carrier charges, such approved agent shall be reimbursed by Austria out of the special account upon presentation of adequate documentation.

4. The Austrian Government shall make payments out of the special account for the purposes mentioned in subparagraphs (a), (b), (c), and (d) of paragraph 3, above, and shall submit to the ECA Mission in Austria with a copy to Controller, ECA Washington, monthly statements of the amounts so expended in form mutually satisfactory to the Austrian Government and said Mission, provided that each such statement shall at least show total weight carried and charges therefor and adjustments shall be made to said fund if shown to be required by ECA audit.

5. So far as practicable, effect shall be given to Paragraphs 3 (b), 3 (c), 3 (d), and 4 as though they had come into force on April 3, 1948.

This arrangement, except as otherwise specified herein, shall come into effect immediately and shall remain in force, subject to such prior termination or modification as may be agreed upon between the competent authorities of the Governments of the United States and Austria, for the same period as the said Agreement of July 2, 1948.

If the above proposal is acceptable to the Government of Austria, I have the honor further to propose that this note and your reply to that effect shall constitute an Agreement on the above terms between the two Governments.

Accept, Sir, the renewed assurances of my highest consideration.

John G. ERHARDT

The Honorable Karl Gruber
Minister of Foreign Affairs
Vienna

II

The Austrian Chancellor to the American Minister

REPUBLIK ÖSTERREICH
DER BUNDESKANZLER

Z1. 108.883-Wpol/49.

Vienna, 11th February 1949

Sir,

With reference to your Note No. 13, regarding an Arrangement concerning the duty-free entry into Austria and the defrayment of transportation charges for relief goods, relief packages and standard packs, forwarded from the United States of America to Austria, I have the honour to inform you that the Austrian Federal Government are agreed on the following text of the Arrangement:

[*See note I*]

Accept, Sir, the renewed assurance of my highest consideration.

Ihr aufrichtiger ¹

FIGL

His Excellency Mr. John G. Erhardt
Envoy Extr. and Minister Plenipotentiary
of the United States of America
Vienna

¹ Translation by the Government of the United States of America: "Sincerely yours".