

No. 3066

**UNITED STATES OF AMERICA
and
FEDERAL REPUBLIC OF GERMANY**

Agreement regarding certain matters arising from the validation of German dollar bonds. Signed at Bonn, on 1 April 1953

Exchange of notes confirming the effectiveness of the above-mentioned Agreement with respect to Berlin. Washington, 25 February and 9 April 1954

Official texts : English and German.

Registered by the United States of America on 20 December 1955.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Accord relatif à certaines questions ayant trait à la validation des obligations allemandes émises en dollars. Signé à Bonn, le 1^{er} avril 1953

Échange de notes confirmant que l'Accord susmentionné est applicable à Berlin. Washington, 25 février et 9 avril 1954

Textes officiels anglais et allemand.

Enregistrés par les États-Unis d'Amérique le 20 décembre 1955.

No. 3066. AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY REGARDING CERTAIN MATTERS ARISING FROM THE VALIDATION OF GERMAN DOLLAR BONDS. SIGNED AT BONN, ON 1 APRIL 1953

WHEREAS the United States of America (hereinafter referred to as "the United States") and the Federal Republic of Germany (hereinafter referred to as "the Federal Republic") have agreed that it is in their common interest to provide for the determination of the validity of German dollar bonds in view of the possibility that a large number of such bonds may have been unlawfully acquired during hostilities in Germany or soon thereafter ;

WHEREAS they have agreed on procedures for accomplishing this purpose in the Agreement Between the Government of the United States of America and the Government of the Federal Republic of Germany Regarding the Validation of Dollar Bonds of German Issue (hereinafter referred to as "the Agreement on Validation Procedures") signed at Bonn on February 27, 1953 ;²

WHEREAS the Federal Republic on the one hand and the United States and other countries on the other signed the Agreement on German External Debts at London on February 27, 1953,³ for the settlement of Germany's external obligations, including German dollar bonds, the benefits of which will apply only to bonds which have been duly validated ; and

WHEREAS the United States and the Federal Republic agree that further measures are required to permit debtors and creditors to proceed to the orderly settlement of the obligations arising from German dollar bonds with confidence in the stability of the procedures regarding validation and with assurance that claims prejudicial to such settlement will not be asserted on the basis of bonds which were unlawfully acquired :

THEREFORE, the United States and the Federal Republic have agreed as follows :

Article I

Except as may be agreed between the Federal Republic and the United States, the Federal Republic will not amend, modify, or repeal its Law for the Validation of German Foreign Currency Bonds of August 25, 1952 (*Bundesgesetzblatt* 1952, Part I, page 553) (hereinafter referred to as "the Validation Law") or the Schedule thereto insofar as they relate to bonds, debentures, or other obligations (hereinafter

¹ Came into force on 16 September 1953, the date of entry into force of the Agreement of 27 February 1953 on German External Debts, in accordance with article V. The instruments of ratification were exchanged at Washington on 15 September 1953.

² United Nations, *Treaty Series*, Vol. 223, p. 167.

³ United States of America : *Treaties and Other International Acts Series* 2792.

referred to as bonds) listed in the said Schedule or in the First Implementing Ordinance under the said Law of February 21, 1953 (*Bundesgesetzblatt* 1953, Part I, page 31) and in respect of which the Schedule or the said Ordinance describes the United States as the Country of Offering, or to coupons, dividend warrants, renewal certificates, subscription warrants or other secondary instruments issued in connection with such bonds. Except as may be so agreed, the Federal Republic will not extend the provisions of the said Law to bonds offered in the United States and not listed in the said Schedule or the said Ordinance.

Article II

No bond, coupon, dividend warrant, renewal certificate, subscription warrant or other secondary instrument referred to in the first sentence of Article I above shall be enforceable unless and until it shall be validated either by the Board for the Validation of German Bonds in the United States established by the Agreement on Validation Procedures, or by the authorities competent for that purpose in the Federal Republic.

Article III

The members of the Board for the Validation of German Bonds in the United States are authorized and bound to waive all immunity from service of process issuing from courts in the United States in proceedings brought to determine whether the requirements for validation of bonds under the Validation Law have been met. Such proceedings must be brought within three months from receipt of the decision of the Board by the party seeking validation of the bond. It is agreed that such members will comply with any judgments, orders or decrees that such courts may issue in such proceedings. The term "members" as used in this Article includes the chairman and the deputies of the members when acting as members.

Article IV

For the purpose of all proceedings in the United States, the English texts of the Validation Law and of the Second Implementing Ordinance thereunder of March 7, 1953 (*Bundesanzeiger* Nr. 50 of March 13, 1953) which are annexed to the Agreement on Validation Procedures shall be authentic.

Article V

This Agreement shall be ratified by the United States and the Federal Republic in accordance with their respective constitutional procedures. The Agreement shall enter into force upon (a) the exchange of instruments of ratification at Washington, and (b) the entry into force of the Agreement on German External Debts between the Federal Republic on the one hand, and France, the United Kingdom

of Great Britain and Northern Ireland, the United States and other countries on the other hand.

DONE in duplicate, in the English and German languages, both authentic, at Bonn, this 1st day of April 1953.

For the United States of America :
James B. CONANT

[SEAL]

For the Federal Republic of Germany :
SCHÄFFER

[SEAL]

EXCHANGE OF NOTES BETWEEN THE UNITED STATES
OF AMERICA AND THE FEDERAL REPUBLIC OF GER-
MANY CONFIRMING THE EFFECTIVENESS OF THE
AGREEMENT OF 1 APRIL 1953 WITH RESPECT TO
BERLIN. WASHINGTON, 25 FEBRUARY AND 9 APRIL
1954

[*Not published herein. See United Nations, Treaty Series, Vol. 223.*]
