

No. 4865

**POLAND
and
CZECHOSLOVAKIA**

Agreement concerning the settlement of outstanding property matters. Signed at Prague, on 29 March 1958

Official texts: Polish and Czech.

Registered by Poland on 9 September 1959.

**POLOGNE
et
TCHÉCOSLOVAQUIE**

Accord concernant le règlement de questions en suspens en matière de biens. Signé à Prague, le 29 mars 1958

Textes officiels polonais et tchèque.

Enregistré par la Pologne le 9 septembre 1959.

[TRANSLATION — TRADUCTION]

No. 4865. AGREEMENT¹ BETWEEN THE POLISH PEOPLE'S REPUBLIC AND THE CZECHOSLOVAK REPUBLIC CONCERNING THE SETTLEMENT OF OUTSTANDING PROPERTY MATTERS. SIGNED AT PRAGUE, ON 29 MARCH 1958

The State Council of the Polish People's Republic and the President of the Czechoslovak Republic, desiring to settle outstanding property matters relating to the period before 9 May 1945 and certain property matters relating to the period subsequent to that date, have decided to conclude this Agreement and for that purpose have appointed as their plenipotentiaries :

The State Council of the Polish People's Republic :

Dr. Tadeusz Dietrich, Minister of Finance;

The President of the Czechoslovak Republic :

Július Ďuriš, Minister of Finance,

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

Article 1

1. This Agreement shall be deemed to provide for the full and final settlement of all financial claims and other property claims by legal entities of either Contracting Party against legal entities of the other Party, where such claims arose prior to 9 May 1945, with the exception of claims by individuals of either Contracting Party against individuals of the other Party.

2. (a) For the purposes of this article, Czechoslovak legal entities shall include the Czechoslovak State, Czechoslovak bodies corporate, institutions and foundations which on the date of signature of this Agreement are established in the present territory of the Czechoslovak Republic, and Czechoslovak individuals;

(b) For the purposes of this article, Polish legal entities shall include the Polish State, Polish bodies corporate, institutions and foundations which on the date of signature of this Agreement are established in the present territory of the Polish People's Republic, and Polish individuals.

¹ Came into force on 9 January 1959 by the exchange of the instruments of ratification at Warsaw, in accordance with article 10.

3. Where the identity of the creditor or debtor has changed since the time when the claim or obligation arose, the legal succession to such claim or obligation shall be determined in accordance with the law of the Contracting Party whose legal entity is affected by the said change.

4. The provisions of this article shall not apply to :

- (a) Rights giving rise to claims for recurrent benefits (social insurance, copyright and rights of a like nature);
- (b) Obligations arising out of the rights referred to in sub-paragraph (a), where such obligations are payable after 8 May 1945.

Article 2

1. This Agreement shall also be deemed to provide for the full and final settlement of :

- (a) All obligations incurred by the Polish State as a result of claims arising out of instruments issued or measures taken on the basis of Polish nationalization and expropriation laws or any other legislation terminating or restricting ownership rights, where such instruments or measures were applied prior to the date of signature of this Agreement to Czechoslovak property, rights or interests situated in the present territory of the Polish People's Republic;
- (b) All obligations incurred by the Czechoslovak State as a result of claims arising out of instruments issued or measures taken on the basis of Czechoslovak nationalization and expropriation laws or any other legislation terminating or restricting ownership rights, where such instruments or measures were applied prior to the date of signature of this Agreement to Polish property, rights or interests situated in the present territory of the Czechoslovak Republic.

2. For the purposes of this article, Polish property, rights and interests shall be deemed to include property, rights and interests belonging to the Polish State and to Polish individuals and bodies corporate, provided that the said Polish individuals and bodies corporate had that status on the date on which the Czechoslovak Republic issued the instruments referred to and provided that they—or their legal successors—have that status on the date of signature of this Agreement.

3. For the purposes of this article, Czechoslovak property, rights and interests shall be deemed to include property, rights and interests belonging to the Czechoslovak State and to Czechoslovak individuals and bodies corporate, provided that the said Czechoslovak individuals and bodies corporate had that status on the date on which the Polish People's Republic issued the instruments referred to and provided that they—or their legal successors—have that status on the date of signature of this Agreement.

Article 3

1. The Czechoslovak Republic shall take over the ownership of immovable and other property and property rights left in the Czechoslovak Republic by Polish nationals under the terms of :

- (a) The Protocol of 18 September 1948 between the Polish Republic and the Czechoslovak Republic concerning the resettlement of persons of Polish nationality from the Humenne region, and
- (b) The Protocol of 5 May 1949 between the Polish Republic and the Czechoslovak Republic concerning the resettlement of persons of Polish nationality from eastern Slovakia to Poland.

2. All claims arising out of resettlement under the terms of the aforementioned Protocols shall be deemed by the two Parties to have been liquidated and settled in full, and the afore-mentioned Protocols shall be deemed to have been carried into effect by this Agreement and extinguished.

Article 4

Obligations incurred by the legal entities of the two Contracting Parties referred to in articles 2 and 3 of this Agreement shall, where they relate to the property, rights and interests to which the provisions of those articles apply, be deemed to have been settled in full.

Article 5

1. This Agreement shall, furthermore, be deemed to provide for the full and final settlement of :

- (a) All claims arising out of the Agreement of 21 September 1945 between the Polish Republic and the Czechoslovak Republic concerning repatriation, as well as any other claims based on assistance rendered in repatriating and transporting Polish and Czechoslovak nationals, and claims of a like nature; all arrangements relating to this matter shall be deemed extinguished;
- (b) All claims arising out of the Agreement of 12 February 1946¹ between the Polish Republic and the Czechoslovak Republic concerning mutual return of property removed after the outbreak of war, and claims which have arisen as a result of the application of the said Agreement. The aforementioned Agreement shall henceforth be deemed binding only with respect to cultural property and archives; with respect to other matters, it shall cease to have effect;
- (c) Claims for the return of railway cars and claims arising from the use of the same which are not settled and liquidated under the terms of the preceding paragraph, with the exception of cases covered by agreements between the

¹ United Nations, *Treaty Series*, Vol. 25, p. 207.

railway authorities concerning the use of railway cars in international transport, beginning with the Agreement which entered into force on 1 April 1948;

- (d) Claims arising out of the Agreement of 29 May 1945 between the Ministry of Foreign Affairs of the Polish Republic and the Embassy of the Czechoslovak Republic at Warsaw concerning the reciprocal granting of credit to the missions of the two States.

2. Each Contracting Party shall return to the other Party securities which were removed from the territory of one Party to the territory of the other Party after the outbreak of war, where such securities can be found, with the exception of the securities to be delivered in accordance with the provisions of article 6 of this Agreement.

Article 6

1. In application of this Agreement, the Czechoslovak Republic shall deliver to the Polish People's Republic all securities issued by the Polish State or by Polish public or private bodies corporate established in the present territory of the Polish People's Republic and, in so far as possible, other documents and papers relating to obligations, property, rights and interests settled and liquidated by this Agreement which, on the date of signature of this Agreement, are owned by the Czechoslovak State or by Czechoslovak individuals or bodies corporate domiciled or established in the present territory of the Czechoslovak Republic.

2. In application of this Agreement, the Polish People's Republic shall deliver to the Czechoslovak Republic all securities issued by the Czechoslovak State or by Czechoslovak bodies corporate established in the present territory of the Czechoslovak Republic and, in so far as possible, other documents and papers relating to obligations, property, rights and interests settled and liquidated by this Agreement which, on the date of signature of this Agreement, are owned by the Polish State or by Polish individuals or bodies corporate domiciled or established in the present territory of the Polish People's Republic.

Article 7

Property, rights and interests of individuals and bodies corporate of one Contracting Party which are situated in the territory of the other Party shall, unless they are subject to the provisions of this Agreement, remain at the free disposal of such individuals and bodies corporate in conformity with the legislation in force.

Article 8

1. The competent authorities of either Contracting Party and its individuals and bodies corporate shall be entitled to refuse to consider claims of the

other Party or of its individuals and bodies corporate wherever such claims have been settled and liquidated by this Agreement.

2. The two Contracting Parties shall, where necessary, settle the matters to which this Agreement relates in accordance with their domestic legislative provisions.

Article 9

The two Contracting Parties shall render all possible assistance to each other in determining which claims and obligations are to be liquidated by this Agreement.

Article 10

This Agreement is subject to ratification. It shall enter into force on the date of the exchange of the instruments of ratification, which shall take place at Warsaw.

DONE at Prague on 29 March 1958 in duplicate, in the Polish and Czech languages, both texts being equally authentic.

IN WITNESS WHEREOF the aforementioned plenipotentiaries have signed this Agreement and have thereto affixed their seals.

For the State Council
of the Polish People's Republic :
T. DIETRICH

For the President
of the Czechoslovak Republic :
J. ĎURIŠ