

No. 5703

**YUGOSLAVIA
and
CZECHOSLOVAKIA**

Agreement (with exchange of letters) concerning the settlement of outstanding property questions. Signed at Prague, on 11 February 1956

Official texts: Serbo-Croat and Czech.

Registered by Yugoslavia on 26 May 1961.

**YUGOSLAVIE
et
TCHÉCOSLOVAQUIE**

Accord (avec échange de lettres) sur la régularisation des questions ouvertes relevant du domaine des biens et de la propriété. Signé à Prague, le 11 février 1956

Textes officiels serbo-croate et tchèque.

Enregistré par la Yougoslavie le 26 mai 1961.

[TRANSLATION — TRADUCTION]

No. 5703. AGREEMENT¹ BETWEEN THE FEDERAL PEOPLE'S REPUBLIC OF YUGOSLAVIA AND THE CZECHOSLOVAK REPUBLIC CONCERNING THE SETTLEMENT OF OUTSTANDING PROPERTY QUESTIONS. SIGNED AT PRAGUE, ON 11 FEBRUARY 1956

The Federal People's Republic of Yugoslavia and the Czechoslovak Republic, desiring to make a full and final settlement of all outstanding property questions relating to the period before 19 February 1955, have agreed through their plenipotentiaries as follows :

Article 1

This Agreement shall provide for the mutual compensation, full settlement and liquidation, as between creditors and debtors and as between the Contracting Parties, of :

(a) All financial obligations and other material obligations of the Czechoslovak State and of Czechoslovak corporations and individuals that, at the time when the obligation arose or on the date of signature of this Agreement, were established or permanently resident in the present territory of the Czechoslovak Republic, where such obligations were incurred in any manner whatsoever before 19 February 1955 towards the Yugoslav State or Yugoslav corporations and individuals that, at the time when the obligation arose or on the date of signature of this Agreement, were established or permanently resident in the present territory of the Federal People's Republic of Yugoslavia, and towards their successors in title under Yugoslav law;

(b) All financial obligations and other material obligations of the Yugoslav State and of Yugoslav corporations and individuals that, at the time when the obligation arose or on the date of signature of this Agreement, were established or permanently resident in the present territory of the Federal People's Republic of Yugoslavia, where such obligations were incurred in any manner whatsoever before 19 February 1955 towards the Czechoslovak State or Czechoslovak corporations and individuals that, at the time when the obligation arose or on the date of signature of this Agreement, were established or permanently resident in the

¹ Came into force on 20 December 1956 by the exchange of the instruments of ratification at Belgrade, in accordance with article 7.

present territory of the Czechoslovak Republic, and towards their successors in title under Czechoslovak law.

This Agreement shall also apply to obligations which, on the date of its signature, existed between persons who possessed Czechoslovak or Yugoslav nationality on that date, regardless of whether the said persons have taken up permanent residence in a third country or have taken the nationality of a third country since that date.

Article 2

This Agreement shall also provide for the settlement and liquidation of :

(a) All obligations incurred by the Czechoslovak State as a result of claims arising out of Czechoslovak nationalization and expropriation measures and other measures restricting or terminating ownership rights, where such measures were applied before the date of signature of this Agreement to Yugoslav property, rights and interests situated in the Czechoslovak Republic, whether or not such claims are currently known;

(b) All obligations incurred by the Yugoslav State as a result of claims arising out of Yugoslav nationalization and expropriation measures and other measures restricting or terminating ownership rights, where such measures were applied before the date of signature of this Agreement to Czechoslovak property, rights and interests situated in the Federal People's Republic of Yugoslavia, whether or not such claims are currently known.

For the purpose of this article, Czechoslovak property, rights and interests shall be deemed to include property, rights and interests belonging to Czechoslovak individuals and corporations provided that they had that status on the date on which the Federal People's Republic of Yugoslavia adopted the measures referred to and provided that they—or their successors in title—have that status on the date of signature of this Agreement, as well as all participation in any form by such Czechoslovak individuals and corporations in undertakings situated in the Federal People's Republic of Yugoslavia.

For the purposes of this article, Yugoslav property, rights and interests shall be deemed to include property, rights and interests belonging to Yugoslav individuals and corporations, provided that they had that status on the date on which the Czechoslovak Republic adopted the measures referred to and provided that they—or their successors in title—have that status on the date of signature of this Agreement, as well as all participation in any form by such Yugoslav individuals and corporations in undertakings situated in the Czechoslovak Republic.

Article 3

The Czechoslovak Republic shall surrender to the Federal People's Republic of Yugoslavia all securities issued by the Yugoslav State or by corporations esta-

blished in the present territory of the Federal People's Republic of Yugoslavia in so far as, on the date of signature of this Agreement, such securities are in the possession of the Czechoslovak State or of Czechoslovak corporations and individuals that, on the said date, are established or permanently resident in the territory of the Czechoslovak Republic.

The Federal People's Republic of Yugoslavia shall surrender to the Czechoslovak Republic all securities issued by the Czechoslovak State or by corporations established in the present territory of the Czechoslovak Republic in so far as, on the date of signature of this Agreement, such securities are in the possession of the Yugoslav State or of Yugoslav corporations and individuals that, on the said date, are established or permanently resident in the territory of the Federal People's Republic of Yugoslavia.

Article 4

No claims may be lodged on the basis of particular obligations covered by this Agreement or on the basis of the balance remaining after the mutual settlement thereof.

Article 5

After the signature of this Agreement, no right or claim settled by this Agreement shall be asserted by any Czechoslovak corporation or individual against the Yugoslav State or against any Yugoslav corporation or individual.

After the signature of this Agreement, no right or claim settled by this Agreement shall be asserted by any Yugoslav corporation or individual against the Czechoslovak State or against any Czechoslovak corporation or individual.

The Federal People's Republic of Yugoslavia and the Czechoslovak Republic shall regulate in accordance with their domestic measures the relations arising out of this Agreement.

Article 6

Each Contracting Party shall, whenever possible, remit to the other all documents, instruments and certificates relating to obligations, property, rights and interests covered by this Agreement.

Each Contracting Party shall assist the other in every way in determining the status of the obligations to be liquidated by this Agreement.

Article 7

This Agreement shall be ratified and the instruments of ratification shall be exchanged at Belgrade as soon as possible; the Agreement shall enter into force upon the exchange of the instruments of ratification and shall be applied from the date of signature.

This Agreement is done in two originals, each in the Serbo-Croat and Czech languages. Both texts are equally authentic.

DONE at Prague, on 11 February 1956.

For the Federal People's Republic
of Yugoslavia :
(Signed) Mijalko TODOROVIĆ

For the Czechoslovak
Republic :
(Signed) JANKOVCOVÁ

EXCHANGE OF LETTERS

I

THE CHAIRMAN OF THE CZECHOSLOVAK DELEGATION

Prague, 11 February 1956

Sir,

I have the honour to confirm to you that we have agreed as follows :

With regard to obligations arising out of social security and to maintenance obligations, only outstanding payments due before 19 February 1955 shall be deemed to be settled in virtue of article 1 of the Agreement between the Federal People's Republic of Yugoslavia and the Czechoslovak Republic concerning the settlement of outstanding property questions, signed this day.¹

The legal relationships giving rise to such obligations and payments falling due on or after 19 February 1955 shall remain unaffected.

I have the honour to be, etc.

(Signed) JANKOVCOVÁ

Comrade Mijalko Todorović
Chairman of the Yugoslav Delegation
Prague

¹ See p. 150 of this volume.

II

THE CHAIRMAN OF THE YUGOSLAV DELEGATION

Prague, 11 February 1956

Madam,

I have the honour to confirm to you that we have agreed as follows :

[See letter I]

I have the honour to be, etc.

(Signed) M. TODORVIĆ

Comrade Ludmila Jankovcová
Chairman of the Czechoslovak Delegation
Prague

III

THE CHAIRMAN OF THE CZECHOSLOVAK DELEGATION

Prague, 11 February 1956

Sir,

I have the honour to confirm to you that we have agreed as follows :

The provisions of the Agreement between the Federal People's Republic of Yugoslavia and the Czechoslovak Republic concerning the settlement of outstanding property questions, signed this day, shall not apply to patent or licence rights, to rights deriving from registered trade marks, to copyright or similar rights, or to obligations, arising out of such rights, which fall due on or after 19 February 1955.

Outstanding obligations, arising out of such rights, which fell due before 19 February 1955 shall be deemed to have been settled in virtue of article 1 of the afore-mentioned Agreement.

I have the honour to be, etc.

(Signed) JANKOVCOVÁ

Comrade Mijalko Todorović
Chairman of the Yugoslav Delegation
Prague

IV

THE CHAIRMAN OF THE YUGOSLAV DELEGATION

Prague, 11 February 1956

Madam,

I have the honour to confirm to you that we have agreed as follows :

[See letter III]

I have the honour to be, etc.

(Signed) M. TODORVIĆ

Comrade Ludmila Jankovcová
Chairman of the Czechoslovak Delegation
Prague

V

THE CHAIRMAN OF THE CZECHOSLOVAK DELEGATION

Prague, 11 February 1956

Sir,

I have the honour to confirm to you that in the course of the negotiations on the Agreement between the Federal People's Republic of Yugoslavia and the Czechoslovak Republic concerning the settlement of outstanding property questions, signed this day, we jointly reached the conclusion that this Agreement should not apply to securities controlled by the Joint Fund (Caisse commune) in Paris.

I have the honour to be, etc.

(Signed) JANKOVCOVÁ

Comrade Mijalko Todorović
Chairman of the Yugoslav Delegation
Prague

VI

THE CHAIRMAN OF THE YUGOSLAV DELEGATION

Prague, 11 February 1956

Madam,

[See letter V]

I have the honour to be, etc.

(Signed) M. TODORVIĆ

Comrade Ludmila Jankovcová
Chairman of the Czechoslovak Delegation
Prague

VII

THE CHAIRMAN OF THE CZECHOSLOVAK DELEGATION

Prague, 11 February 1956

Sir,

I have the honour to confirm to you that we have agreed as follows :

The provisions of article 1 of the Agreement between the Federal People's Republic of Yugoslavia and the Czechoslovak Republic concerning the settlement of outstanding property questions, signed this day, shall not apply to obligations encumbering Yugoslav or Czechoslovak immovable property which has not been affected by the measures referred to in article 2 of the Agreement, such as mortgages, taxes, dues and charges relating to immovable property, property management costs, maintenance expenses and investments.

I have the honour to be, etc.

(Signed) JANKOVCOVÁ

Comrade Mijalko Todorović
Chairman of the Yugoslav Delegation
Prague

VIII

THE CHAIRMAN OF THE YUGOSLAV DELEGATION

Prague, 11 February 1956

Madam,

I have the honour to confirm to you that we have agreed as follows :

[See letter VII]

I have the honour to be, etc.

(Signed) M. TODOROVIĆ

Comrade Ludmila Jankovcová
Chairman of the Czechoslovak Delegation
Prague