

No. 7446

**NETHERLANDS
and
POLAND**

**Agreement concerning compensation for certain Netherlands interests in Poland (with exchange of letters).
Signed at Warsaw, on 20 December 1963**

Official text: French.

Registered by the Netherlands on 29 October 1964.

**PAYS-BAS
et
POLOGNE**

**Accord concernant l'indemnisation de certains intérêts néerlandais en Pologne (avec échange de lettres). Signé à
Varsovie, le 20 décembre 1963**

Texte officiel français.

Enregistré par les Pays-Bas le 29 octobre 1964.

[TRANSLATION — TRADUCTION]

No. 7446. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC CONCERNING COMPENSATION FOR CERTAIN NETHERLANDS INTERESTS IN POLAND. SIGNED AT WARSAW, ON 20 DECEMBER 1963

The Government of the Kingdom of the Netherlands and the Government of the Polish People's Republic,

Desiring to settle certain financial problems between their countries,

Have agreed as follows :

Article 1

The Polish Government shall pay to the Netherlands Government an amount fixed at 9,050,000 Netherlands guilders as global, lump-sum compensation for :

- (a) Netherlands property, rights and interests affected by Polish nationalization legislation or similar legislation and by ensuing measures promulgated or taken before the signature of this Agreement (hereinafter referred to as "the Polish measures") ;
- (b) Netherlands claims against individuals or bodies corporate in Poland whose property was affected by the Polish measures ;
- (c) Netherlands claims against the Polish State not evidenced by public bonds ;
- (d) Polish public bonds and other Polish bonds issued before 1939 in Netherlands guilders or pounds sterling belonging, on 1 September 1939 and on the date of signature of this Agreement, to Netherlands individuals or bodies corporate.

Article 2

1. Under the terms of this Agreement Netherlands property, rights and interests shall be deemed to be property, rights and interests belonging to Netherlands individuals or bodies corporate possessing that status on the date of the Polish measures which affected their property, rights and interests and on the date of signature of this Agreement.

¹ Came into force on 10 July 1964, the date of the exchange of notes stating that the agreement had been approved by the competent constitutional authorities of the two countries, in accordance with article 9.

2. Under the terms of this Agreement, Netherlands claims shall be deemed to be claims originating before 9 May 1945 and belonging, on that date and on the date of signature of this Agreement, to Netherlands individuals or bodies corporate.

3. This Agreement does not cover assets and bank accounts belonging to Netherlands individuals or bodies corporate.

Article 3

1. Payment of the amount mentioned in article 1 shall be made in annual instalments in Netherlands guilders.

2. Each annual instalment shall correspond to a graded percentage of the net payments, excluding costs and services, above eighteen million guilders made during the preceding calendar year, in Netherlands guilders or in convertible currencies, by order of residents of the Kingdom of the Netherlands, for Polish exports to the Netherlands, as follows :

Five per cent of the portion of the total annual net payments between eighteen and fifty million Netherlands guilders ;

Eight per cent of the total annual net payments above fifty million Netherlands guilders.

3. The annual instalments shall be paid on the order of the Polish Government by the Narodowy Bank Polski according to information given by the Nederlandsche Bank to the Narodowy Bank Polski within the three months following the provision of this information.

4. The annual instalments shall be credited to a Netherlands guilder account to be known as "Poland Compensation", which shall be opened in the books of the Nederlandsche Bank in the name of the Netherlands Government.

5. The first instalment to be paid shall cover the period from the first of January to the thirty-first of December nineteen hundred and sixty-three.

6. The last instalment shall represent the difference between the total amount to be paid in accordance with article 1 and the total amount already paid.

Article 4

1. Payment in full by the Polish Government of the global, lump-sum amount mentioned in article 1 shall release the Polish State and all Polish individuals and bodies corporate from all liability with regard to the Netherlands claims covered by that article.

2. The Netherlands Government undertakes not to support or present to the Polish Government the claims settled by this Agreement.

Article 5

1. After payment in full of the global, lump-sum amount mentioned in article 1, the Polish Government shall be given the securities relating to the Netherlands claims settled by this Agreement.

2. Where the Netherlands Government cannot deliver the securities mentioned in the preceding paragraph, the Polish Government shall obtain a suitable release signed by the claimant or claimants concerned.

3. The Polish Government shall consider finally settled all Polish public-law claims against all Netherlands claimants in so far as they relate to the claims settled by this Agreement. In particular the Netherlands claimants shall be finally released from any fiscal liability arising from Polish legal or statutory provisions and relating either to the property and interests affected by the Polish measures or to the compensation to which they are entitled on account of the application of these measures. In addition, the global, lump-sum amount is free of any future Polish taxes or charges.

4. The Polish Government may no longer present the Polish public-law claims mentioned in paragraph 3 of this article.

5. Netherlands former owners of enterprises or immovable property affected by the Polish measures are released from any liability which arose before these measures and is a charge upon the enterprises or encumbers the property.

Article 6

The distribution among the Netherlands claimants of the global, lump-sum amount of 9,050,000 Netherlands guilders mentioned in article 1 shall be entirely within the competence and responsibility of the Netherlands Government.

Article 7

In order to assist the Netherlands Government in the distribution of the global, lump-sum amount the Polish Government shall, at the request of the Netherlands Government, provide as far as possible all the information needed for examination of the claims of Netherlands claimants.

Article 8

The application of this Agreement to Surinam and the Netherlands West Indies shall be subject to the approval of their respective Governments, which shall be deemed to have been tacitly given unless the Netherlands Government notifies the Polish Government to the contrary within three months following the entry into force of this Agreement.

Article 9

This Agreement shall be subject to the approval of the competent constitutional authorities. It shall enter into force on the date of the exchange of notes stating that this requirement has been met.

IN WITNESS WHEREOF the undersigned plenipotentiaries, duly authorized for this purpose, have signed this Agreement.

DONE at Warsaw, on 20 December 1963, in duplicate in the French language.

For the Government
of the Kingdom of the Netherlands :

G. VAN VLOTEN

For the Government
of the Polish People's Republic :

Fr. HOFMOKL

EXCHANGE OF LETTERS

I

POLISH PEOPLE'S REPUBLIC
MINISTRY OF FINANCE

Warsaw, 20 December 1963

Sir,

With reference to article 1 of the Agreement between the Government of the Polish People's Republic and the Government of the Kingdom of the Netherlands concerning compensation for certain Netherlands interests in Poland, signed today,¹ I have the honour to confirm that this Agreement does not settle Polish dollar bonds issued or guaranteed before the war by the Polish State and held by Netherlands individuals or bodies corporate. These bonds will be given the same treatment as those held by United States nationals.

I should be grateful if you would take note of the above.

I have the honour to be, etc.

Fr. HOFMOKL
Adviser to the Minister for Finance

Mr. G. van Vloten
Acting Chargé d'Affaires of the Kingdom of the Netherlands
Warsaw

¹ See p. 171 of this volume.

II

ROYAL EMBASSY OF THE NETHERLANDS

Warsaw, 20 December 1963

Sir,

By your letter of today's date you informed me as follows :

[See letter I]

I have the honour to confirm that I have taken note of the above.

I have the honour to be, etc.

G. VAN VLOTEN
Acting Chargé d'Affaires

Mr. Fr. Hofmokl
Adviser to the Minister for Finance
Warsaw

III

ROYAL EMBASSY OF THE NETHERLANDS

Warsaw, 20 December 1963

Sir,

With reference to article 1 of the Agreement between the Government of the Kingdom of the Netherlands and the Government of the Polish People's Republic concerning compensation for certain Netherlands interests in Poland, signed today, I have the honour to state that this Agreement does not settle loans which are part of the former Austrian and Hungarian public debts, which are serviced centrally by the Caisse Commune des Porteurs des Dettes publiques autrichiennes et hongroises.

I should be grateful if you would confirm the above.

I have the honour to be, etc.

G. VAN VLOTEN
Acting Chargé d'Affaires

Mr. Fr. Hofmokl
Adviser to the Minister for Finance
Warsaw

IV

POLISH PEOPLE'S REPUBLIC
MINISTRY OF FINANCE

Warsaw, 20 December 1963

Sir,

By your letter of today's date you informed me as follows :

[See letter III]

I have the honour to confirm the above, and also to reiterate that the Polish Delegation has stated that it is not in a position to discuss these loans.

I have the honour to be, etc.

Fr. HOFMOKL

Adviser to the Minister for Finance

Mr. G. van Vloten
Acting Chargé d'Affaires of the Kingdom of the Netherlands
Warsaw

V

ROYAL EMBASSY OF THE NETHERLANDS

Warsaw, 20 December 1963

Sir,

With reference to article 1 (c) of the Agreement between the Government of the Kingdom of the Netherlands and the Government of the Polish People's Republic concerning compensation for certain Netherlands interests in Poland, signed today, I have the honour to confirm that the Netherlands Government waives payment by the Polish Republic of a sum of 133,500 Netherlands guilders, being the balance of the debt of the Polish State to the Netherlands State contracted on 14 March 1935 when the Polish Relief Debt to the Netherlands was being settled.

I should be grateful if you would take note of the above.

I have the honour to be, etc.

G. VAN VLOTEN

Acting Chargé d'Affaires

Mr. Fr. Hofmokl
Adviser to the Minister for Finance
Warsaw

VI

POLISH PEOPLE'S REPUBLIC
MINISTRY OF FINANCE

Warsaw, 20 December 1963

Sir,

By your letter of today's date you informed me as follows :

[See letter V]

I have the honour to inform you that I have taken note of the above.

I have the honour to be, etc.

Fr. HOFMOKL
Adviser to the Minister for Finance

Mr. G. van Vloten
Acting Chargé d'Affaires of the Kingdom of the Netherlands
Warsaw

VII

ROYAL EMBASSY OF THE NETHERLANDS

Warsaw, 20 December 1963

Sir,

With reference to article 1 of the Agreement between the Government of the Kingdom of the Netherlands and the Government of the Polish People's Republic concerning compensation for certain Netherlands interests in Poland, signed today, I have the honour to state that this Agreement does not settle the bonds of the former Free City of Danzig or of the former Danzig Port and Waterways Board.

I should be grateful if you would confirm the above.

I have the honour to be, etc.

G. VAN VLOTEN
Acting Chargé d'Affaires

Mr. Fr. Hofmokl
Adviser to the Minister for Finance
Warsaw

VIII

POLISH PEOPLE'S REPUBLIC
MINISTRY OF FINANCE

Warsaw, 20 December 1963

Sir,

By your letter of today's date you informed me as follows :

[See letter VII]

I have the honour to confirm the above.

I have the honour to be, etc.

FR. HOFMOKL
Adviser to the Minister for Finance

Mr. G. van Vloten
Acting Chargé d'Affaires of the Kingdom of the Netherlands
Warsaw