

No. 7912

**BELGIUM
and
AUSTRIA**

**Convention concerning the settlement of problems relating to certain Belgian and Austrian property, rights and interests (with annexed Protocol and exchange of letters).
Signed at Brussels, on 14 November 1963**

Official texts of the Convention and the Protocol: French and German.

Official text of the letters: French.

Registered by Belgium on 2 September 1965.

**BELGIQUE
et
AUTRICHE**

**Convention concernant le règlement des problèmes touchant certains biens, droits et intérêts belges et autrichiens (avec Protocole annexe et échange de lettres).
Signée à Bruxelles, le 14 novembre 1963**

Textes officiels de la Convention et du Protocole français et allemand.

Texte officiel des lettres français.

Enregistrée par la Belgique le 2 septembre 1965.

[TRANSLATION — TRADUCTION]

No. 7912. CONVENTION¹ BETWEEN THE KINGDOM OF BELGIUM AND THE REPUBLIC OF AUSTRIA CONCERNING THE SETTLEMENT OF PROBLEMS RELATING TO CERTAIN BELGIAN AND AUSTRIAN PROPERTY, RIGHTS AND INTERESTS. SIGNED AT BRUSSELS, ON 14 NOVEMBER 1963

His Majesty the King of the Belgians and

The Federal President of the Republic of Austria,

Desiring to settle the questions arising on the transfer of certain Belgian and Austrian property, rights and interests,

Have decided to conclude a Convention and have for that purpose appointed as their plenipotentiaries :

His Majesty the King of the Belgians :

His Excellency Mr. Paul Henri Spaak, Minister for Foreign Affairs;

The Federal President of the Republic of Austria :

His Excellency Mr. Ernst Lemberger, Ambassador of the Republic of Austria in Belgium;

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

Article I

With a view to settling the claims presented by the Belgian Government arising from indirect participations held by Belgian beneficiaries, on 8 May 1945 and upon the entry into force of this Convention, in property, rights and interests still existing in Austria which were owned by German legal entities and were ceded to Austria under article 22 of the State Treaty of 15 May 1955² for the re-establishment of an independent and democratic Austria, hereinafter referred to as "State Treaty", the Austrian Federal Government shall transfer to the two Belgian beneficiaries mentioned in the Additional Protocol *ad* article I, in the proportion of their participations as at 8 May 1945, the property, rights, and interests which are owned by Austria.

¹ Came into force on 11 July 1965, thirty days after the exchange of the instruments of ratification which took place at Vienna, on 11 June 1965, in accordance with article IV.

² United Nations, *Treaty Series*, Vol. 217, p. 223; Vol. 221, p. 439; Vol. 226, p. 382; Vol. 259, p. 445; Vol. 263, p. 424; Vol. 316, p. 350, and Vol. 420, p. 345.

Article II

The Austrian Federal Government shall continue to give the Belgian Government its full support with a view to making possible a settlement of the problem of the *commandite* share in the Austrian company Ebenseer Solvay-Werke K.G.

Article III

The Belgian Government shall restore to the individuals or legal entities enumerated or referred to in the Additional Protocol *ad* article III, through the Austrian Federal Government, property, rights and interests belonging to them which are still under sequestration in Belgium, as also, where appropriate, the net proceeds of the liquidation of their other sequestered assets.

Article IV

This Convention shall be ratified and the exchange of the instruments of ratification shall take place at Vienna as soon as possible.

It shall enter into force thirty days after the date of such exchange.

IN WITNESS WHEREOF the plenipotentiaries of the two Contracting States have signed this Convention and have thereto affixed their seals.

DONE at Brussels on 14 November 1963, in duplicate, in the French and German languages, both texts being equally authentic.

For the Kingdom of Belgium :

P. H. SPAAK

For the Republic of Austria :

E. LEMBERGER

ADDITIONAL PROTOCOL

Ad article I

The Contracting Parties have decided to give effect to article I as follows :

1. The Compagnie Auxiliaire Internationale de Chemins de Fer, Brussels, has filed a claim for settlement in respect of its participation in "Eisenbahn—Verkehrsmittel A.G." (EVA), Berlin (now Düsseldorf). The Austrian Federal Government shall satisfy this claim by giving effect to the Agreement concluded on 10 July 1959 between the Austrian Federal Minister for Finance and the said Belgian company.

2. The German company Deutsche Solvay-Werke was the holder of a claim of RM 300,000 which arose in 1944 against the Austrian company Ebenseer Solvay-Werke K.G., which claim was ceded to Austria under article 22 of the State Treaty. The Austrian Federal Government, taking into consideration the direct and indirect Belgian interests in Deutsche Solvay-Werke, shall transfer the said claim to the Belgian company Solvay et Cie, Brussels, the latter acting both on its own behalf and on behalf of the other Belgian interested parties.

Ad article III

(a) The individuals and legal entities shall be the following :

1. Vinciguerra, Vienna (Dr. Hildegard Amfaldern), in respect of : approximately B.fr 1,320,000;
2. Hugo Sauter and his wife Gächter, Gisela, Bludenz, in respect of : approximately B.fr 22,614.68;
3. A.E.G. Union, Vienna, in respect of : its rights in a sum of B.fr 141,745 representing the final balance of orders placed in Belgium;
4. Okeros, Vienna, in respect of : its possible rights in a claim of RM 1,776 against S.A. Bell Telephone;
5. Alpine Montan, Vienna, in respect of two collected claims, less liquidated liabilities, in the amount of approximately B.fr 79,055;
6. Teudloff Vamag, A.G., Vienna, in respect of : proceeds from collection of a claim in the amount of B.fr 362,638;
7. Ulbrichts Witwe, G.m.b.H., Kaufing, in respect of : proceeds from collection of a claim of B.fr 35,501;
8. Zsolnay Verlag, Vienna, in respect of : proceeds from collection of two claims in the amount of B.fr 9,108.75;
9. Wiener Rückversicherungs A.G., Vienna, in respect of : proceeds from collection of two claims and bank assets : B.fr 360,253;
10. Schmidhütte Liezen, Vienna, in respect of : B.fr 11,635, proceeds from collection of a claim after payment of liability.

The Belgian Government shall furnish the individuals and legal entities enumerated above, through the Austrian Federal Government, with all necessary information on measures relating to the administration and disposal of their sequestered assets and deliver to them any documents in its possession, so that they may take such action as

they wish to assert their private rights. It is understood that requests for such information shall be submitted by the Austrian Federal Government.

(b) The transfer of the property referred to in sub-paragraph (a) above implies that the beneficiary individuals and legal entities recognize the validity of the measures of administration and disposal taken in connexion with the sequestered property by the Belgian Sequestration Office in the exercise of its legal powers; the property shall be transferred only upon the withdrawal of such applications for termination of sequestration as may have been filed with the courts by the individuals and legal entities referred to above and after deduction of all court costs and fees related thereto.

(c) Assets transferred to the individuals and legal entities enumerated in sub-paragraph (a) above shall be liable to administrative costs fixed at 1 per cent of the gross amount of the moneys collected or of the current gross value of the property and rights, and at 5 per cent of the amount of the gross yields collected; this charge shall not be imposed where a deduction of this kind has already been made from the assets in question.

(d) It is understood that the appropriate provisions of this Agreement shall apply to any property, rights and interests identified in Belgium in the future which belong to the individuals and legal entities enumerated in sub-paragraph (a) and which may have been affected by the Belgian sequestration laws.

This Additional Protocol is an integral part of the Convention signed this day between the Kingdom of Belgium and the Federal Republic of Austria concerning the settlement of problems relating to certain Belgian and Austrian property, rights and interests.

DONE at Brussels on 14 November 1963 in duplicate in the French and German languages, both texts being equally authentic.

For the Kingdom of Belgium :

P. H. SPAAK

For the Republic of Austria :

E. LEMBERGER

EXCHANGE OF LETTERS

I

Brussels, 14 November 1963

Sir,

On signing the Convention concluded this day between the Kingdom of Belgium and the Republic of Austria with a view to settling questions relating to certain Belgian and Austrian property, rights and interests, I have the honour to inform you as follows :

During the discussions on article III of the Convention, it was agreed that property, rights and interests of Austrian owners under sequestration shall no longer be liable to liquidation proceedings after the signature of the Convention.

If, before the entry into force of the Convention, any liquidation proceedings should prove to be unavoidable, the Belgian Government shall consult with the Austrian Federal Government concerning the arrangements to be made.

I should be grateful if you would inform me whether your Government agrees to the foregoing.

Accept, Sir, the assurances of my highest consideration.

P. H. SPAAK

His Excellency Mr. E. Lemberger
Ambassador of the Republic of Austria
Brussels

II

Brussels, 14 November 1963

Sir,

I have the honour to acknowledge receipt of your letter reading as follows :

[See paragraphs 2 to 4 of letter I]

I have the honour to inform you that my Government agrees to the terms of the foregoing letter.

Accept, Sir, the assurances of my highest consideration.

E. LEMBERGER

His Excellency Mr. Paul Henri Spaak
Minister for Foreign Affairs
Brussels