

No. 8948

**BELGIUM, LUXEMBOURG
and
POLAND**

**Agreement concerning compensation for certain Belgian
and Luxembourg interests in Poland (with annex and
Protocol of Implementation). Signed at Warsaw, on
14 November 1963**

Official texts: French and Polish.

Registered by Belgium on 30 January 1968.

**BELGIQUE, LUXEMBOURG
et
POLOGNE**

**Accord concernant l'indemnisation de certains intérêts belges
et luxembourgeois en Pologne (avec annexe et Protocole
d'exécution). Signé à Varsovie, le 14 novembre 1963**

Textes officiels français et polonais.

Enregistré par la Belgique le 30 janvier 1968.

[TRANSLATION — TRADUCTION]

No. 8948. AGREEMENT¹ BETWEEN THE GOVERNMENT OF BELGIUM AND THE GOVERNMENT OF THE GRAND DUCHY OF LUXEMBOURG, ON THE ONE HAND, AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC, ON THE OTHER HAND, CONCERNING COMPENSATION FOR CERTAIN BELGIAN AND LUXEMBOURG INTERESTS IN POLAND. SIGNED AT WARSAW, ON 14 NOVEMBER 1963

The Belgian Government and the Luxembourg Government, on the one hand, and the Government of the Polish People's Republic, on the other hand,

Desiring to effect a final settlement of questions relating to compensation for Belgian and Luxembourg property, rights and interests affected by Polish nationalization measures and by other measures of a general character affecting property rights,

Have agreed as follows :

Article I

The Polish Government shall pay global, lump-sum compensation for Belgian and Luxembourg property, rights and interests affected by Polish nationalization measures and by other Polish measures of a general character, taken before the signature of this Agreement, affecting property rights. These measures are hereinafter referred to as "the said Polish measures".

Article II

Under the terms of this Agreement, Belgian and Luxembourg property, rights and interests shall be deemed to be property, rights and interests belonging, directly or indirectly, on the date of the "said Polish measures" and on the date of signature of this Agreement, to individuals of Belgian or Luxembourg nationality or to bodies corporate which have their head offices in Belgium or in the Grand Duchy of Luxembourg and in which the majority interest is Belgian or Luxembourg.

A list annexed to this Agreement for information purposes gives the names of the principal Belgian and Luxembourg compensation claimants known at the time of signature of this Agreement.

¹ Came into force on 21 November 1966, the date on which the Contracting Parties notified each other that the required constitutional formalities had been completed, in accordance with article XII.

Article III

This Agreement does not cover :

1. Assets and bank accounts belonging to Belgian or Luxembourg nationals to which the Polish legislation on this subject applies;
2. Claims by Belgian or Luxembourg nationals against Polish debtors, particularly claims arising out of commercial transactions, except those against enterprises or companies incorporated under Polish law which were affected by the "said Polish measures";
3. Benefits under life insurance policies taken out by Belgian or Luxembourg nationals;
4. Bonds issued by the Polish State or by Polish territorial or communal bodies.

Article IV

The global, lump-sum compensation to be paid by the Polish Government for the property, rights and interests specified in article II is fixed at an amount of 600 million Belgian francs say six hundred million Belgian francs.

Article V

Payment of the compensation mentioned in article IV shall be made in annual instalments in Belgian francs.

Each annual instalment shall represent an amount equivalent to the following percentages of the total above two hundred and fifty million Belgian francs of the net payments, excluding costs and services, made during the preceding calendar year, in Belgian francs or in convertible currencies, by order of residents of the Belgo-Luxembourg Economic Union, for Polish exports to the said Union, namely :

Five per cent of the portion of the total annual net payments between two hundred and fifty and seven hundred million Belgian francs;

Eight per cent of the total annual net payments above seven hundred million Belgian francs.

Article VI

The compensation to be paid in implementation of this Agreement shall be applied to the indemnification of all the interests specified in article II.

The Polish Government shall transmit to the Belgian Government and the Luxembourg Government respectively, for the purposes of examination and settlement, if appropriate, any applications received from Belgian or Luxembourg claimants or their assigns citing the "said Polish measures" as having affected a property, right or interest specified in the first paragraph of article II.

Article VII

Payment in full by the Polish Government of the global, lump-sum compensation mentioned in article IV shall release the Polish State and all Polish institutions, individuals and bodies corporate from all liability with regard to the whole of the Belgian or Luxembourg property, rights and interests specified in article II.

The Belgian Government and the Luxembourg Government undertake not to support or present to the Polish Government claims relating to property, rights and interests affected by the "said Polish measures" before the signature of this Agreement.

Article VIII

After payment in full of the global, lump-sum compensation mentioned in article IV, the Polish Government shall be given the securities relating to the Belgian and Luxembourg property, rights and interests for which compensation has been paid by virtue of this Agreement.

Where the Belgian Government or the Luxembourg Government cannot deliver the securities referred to in the preceding paragraph, the Polish Government shall receive a suitable release signed by the claimant or claimants concerned.

The Polish Government shall consider finally settled all Polish public-law claims against all Belgian and Luxembourg claimants in so far as they relate to the property, rights and interests covered by this Agreement. In particular the persons covered by article II of this Agreement shall be finally released from any fiscal liability arising out of Polish laws or regulations and relating either to the property, rights and interests affected by the "said Polish measures" or to the compensation to which they are entitled by reason of the application of those measures. In addition, the amount of the global, lump-sum compensation is free of any future Polish taxes or charges.

On the entry into force of this Agreement, the Polish Government shall no longer be able to present the Polish public-law claims mentioned in the third paragraph of this article.

Article IX

Belgian and Luxembourg former owners of enterprises or immovable property affected by the "said Polish measures" are released from any liability which arose prior to those measures and which is a charge upon the enterprises or encumbers the property and appears in the books of the enterprises or in the land registers.

Article X

No responsibility for the distribution among the claimants of the global, lump-sum compensation shall be assumed by the Polish State or by Polish institutions, individuals or bodies corporate.

Article XI

In order to assist the Belgian Government and the Luxembourg Government in the distribution of the global, lump-sum compensation, the Polish Government shall, at the request of the other Contracting Party, provide as far as possible all the information needed to enable the Belgian Government and the Luxembourg Government to decide upon the claims for compensation submitted by Belgian and Luxembourg claimants.

On the final date which is to be fixed for the delivery of applications for compensation, the Belgian Government and the Luxembourg Government shall deliver to the Polish Government a list of the Belgian or Luxembourg individuals or bodies corporate having made application to benefit from the provisions of this Agreement.

In addition, the Belgian Government and the Luxembourg Government shall inform the Polish Government as soon as possible of the names of all the Belgian or Luxembourg individuals or bodies corporate whose property, rights and interests have been recognized as Belgian or Luxembourg interests within the meaning of article II and who are to benefit from this Agreement.

Article XII

This Agreement shall be subject to ratification or to the approval of the competent constitutional authorities. It shall enter into force on the date of the exchange of notes stating that these requirements have been met.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto, have signed this Agreement.

DONE at Warsaw, on 14 November 1963, in triplicate in the French and Polish languages, both texts being equally authentic.

For the Government
of Belgium :

M. BRASSEUR

For the Government
of the Grand Duchy of Luxembourg :

L. RIES

For the Government of the Polish People's Republic :

J. ALBRECHT

ANNEX

List of the principal Belgian and Luxembourg compensation claimants known at the time of signature of the Agreement :

- Solvay et Cie, 33, rue Prince Albert, Brussels;
- Société de traction et d'électricité, 31, rue de la Science, Brussels;
- Société générale d'exploitations électriques de Lodz et extensions, 31, rue de la Science, Brussels;
- Trust métallurgique, électrique et industriel, 168, rue Royale, Brussels;
- Verreries du Midi de la Pologne, 37-39, rue Henri Maus, Brussels;
- Société générale d'industries en Pologne (Polindus), 31, rue du Marais, Brussels.

PROTOCOL OF IMPLEMENTATION

OF ARTICLE V OF THE AGREEMENT BETWEEN THE GOVERNMENT OF BELGIUM AND THE GOVERNMENT OF THE GRAND DUCHY OF LUXEMBOURG, ON THE ONE HAND, AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC, ON THE OTHER HAND, CONCERNING COMPENSATION FOR CERTAIN BELGIAN AND LUXEMBOURG INTERESTS IN POLAND, SIGNED AT WARSAW ON 14 NOVEMBER 1963

Article 1

Payment of the global, lump-sum compensation of 600 (six hundred) million Belgian francs mentioned in article IV of the Agreement signed this day (hereinafter referred to as "the Agreement") shall be made in the manner specified in article V of the Agreement and in this protocol.

Article 2

The annual instalments mentioned in article V of the Agreement shall be paid in Belgian francs by the Narodowy Bank Polski on behalf of the Polish Government not later than the end of the fifth month following the preceding calendar year.

The first instalment to be paid shall cover the period from the first day of January to the thirty-first day of December of the year one thousand nine hundred and sixty-three.

Article 3

The annual instalments mentioned in article 2 above shall be credited to the account "*Indemnités de nationalisation — Pologne*" (Compensation for Nationalization — Poland) to be opened in the name of the Belgian Treasury at the Banque Nationale de Belgique.

Article 4

The Banque Nationale de Belgique and the Narodowy Bank Polski, acting each on behalf of its Government, shall agree on the technical arrangements for the application of article V of the Agreement and of this protocol.

Article 5

This protocol shall form an integral part of the Agreement between the Government of Belgium and the Government of the Grand Duchy of Luxembourg, on the one hand, and the Government of the Polish People's Republic, on the other hand, concerning compensation for certain Belgian and Luxembourg interests in Poland.

DONE at Warsaw, on 14 November 1963, in triplicate in the French and Polish languages, both texts being equally authentic.

For the Government
of Belgium :

M. BRASSEUR

For the Government
of the Grand Duchy of Luxembourg

L. RIES

For the Government of the Polish People's Republic :

J. ALBRECHT
