

No. 15104

**UNITED STATES OF AMERICA
and
POLAND**

**Exchange of notes constituting an agreement relating to
sales of agricultural commodities (with schedule).
Washington, 15 May 1975**

Authentic text: English.

Registered by the United States of America on 10 November 1976.

**ÉTATS-UNIS D'AMÉRIQUE
et
POLOGNE**

**Échange de notes constituant un accord relatif à la vente de
produits agricoles (avec échéancier). Washington,
15 mai 1975**

Texte authentique: anglais.

Enregistré par les États-Unis d'Amérique le 10 novembre 1976.

**EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND THE
POLISH PEOPLE'S REPUBLIC RELATING TO SALES OF
AGRICULTURAL COMMODITIES**

I

DEPARTMENT OF STATE
WASHINGTON

May 15, 1975

Excellency:

I have the honor to refer to the Agricultural Commodities Agreements between the Government of the United States of America and the Government of the Polish People's Republic signed on June 7, 1957,² June 10, 1959,³ and July 21, 1960,⁴ as from time to time amended,⁵ hereinafter referred to collectively as the Agreements.

I wish to confirm the understanding reached between our two Governments concerning the sale to the Government of the United States of America of dollar exchange for unused balances remaining in the dollar denominated accounts pursuant to paragraph 2(d) of Article III of each of the Agreements, such paragraphs being hereinafter referred to collectively as the Dollar Purchase Provisions.

1. Subject to paragraphs 2, 3 and 4 hereof, the Government of the United States of America agrees to defer its right under the Dollar Purchase Provisions of the Agreements to purchase the amounts of dollar exchange set forth opposite the Agreements referred to in the following schedule during the calendar years indicated in said schedule.

Date of Agreement	Calendar Year		
	1975	1976	1977
June 7, 1957			\$2,170,000
June 10, 1959	\$3,240,000	\$3,240,000	\$3,240,000
July 21, 1960	\$4,330,000 *	\$4,330,000 *	

* Less the amount utilized by the Government of the United States of America in 1974 and 1975 pursuant to paragraph (5), as amended, of the 1968 Annuity Agreement⁶ referred to in paragraph 5 hereof. [Footnote in the original.]

2. The Government of the United States of America understands that the Government of the Polish People's Republic agrees that, if the Government of the United States of America shall so elect, the National Bank of Poland will, on the date established in the Dollar Purchase Provision of each Agreement, sell to the Government of the United States of America from the unused balance remaining in the dollar denominated account established under Article III of such Agreement:

¹ Came into force on 15 May 1975, the date of the note in reply, in accordance with the provisions of the said notes.

² United Nations, *Treaty Series*, vol. 291, p. 41.

³ *Ibid.*, vol. 347, p. 41.

⁴ *Ibid.*, vol. 380, p. 157.

⁵ *Ibid.*, vol. 307, p. 330; vol. 346, p. 350; vol. 357, p. 396; vol. 371, p. 364; vol. 380, p. 464; vol. 723, p. 295; and vol. 927, p. 123.

⁶ See "Exchange of notes constituting an agreement between the United States of America and Poland relating to social security pensions. Warsaw, 6 August 1968", in United Nations, *Treaty Series*, vol. 936, p. 269.

- (a) an amount of dollar exchange in each of the years 1978 through 1985 equal to one eighth of the amount which the Government of the United States of America deferred in respect of 1975 pursuant to paragraph 1 hereof,
- (b) an amount of dollar exchange in each of the years 1979 through 1985 equal to one seventh of the amount which the Government of the United States of America deferred in respect of 1976 pursuant to paragraph 1 hereof, and
- (c) an amount of dollar exchange in each of the years 1980 through 1985 equal to one sixth of the amount which the Government of the United States of America deferred in respect of 1977 pursuant to paragraph 1 hereof,

in addition to the amount of dollar exchange which the Government of the United States of America may elect to purchase in such years in accordance with the Dollar Purchase Provision of such Agreement.

3. The Government of the United States of America further understands that the Government of the Polish People's Republic agrees to pay to the Government of the United States of America annually, in dollars, interest at the rate of 7.85 percent per annum on an amount equal to the lesser of (a) the amount deferred under paragraph 1 hereof less the amount purchased under sub-paragraphs 2(a), (b) and (c) hereof, or (b) the unused balance in the dollar denominated account as of the day following the then preceding interest payment date. Interest shall accrue from the date on which the amount deferred under paragraph 1 hereof could otherwise have been purchased, and payments of interest shall be made on the date in each year specified for the exercise by the Government of the United States of America of its right under the Dollar Purchase Provisions, commencing in 1976 in respect of the rights deferred from 1975, in 1977 in respect of the rights deferred from 1976, and in 1978 in respect of the rights deferred from 1977.

4. Nothing herein shall be deemed to amend or affect the terms and conditions of the Agreements other than as specifically set forth herein.

5. The Agreement effected by exchange of notes signed at Warsaw August 6, 1968, relating to U.S. Government pensions, as from time to time amended, is hereby terminated as of June 30, 1975, and the provisions thereof shall thereafter be of no further force and effect; provided, however, that the provisions of paragraphs (2) through (6) thereof shall continue to be in full force and effect with respect to vouchers issued in accordance with paragraph (1) thereof on or prior to June 30, 1975. After June 30, 1975, the Government of the United States of America may discharge its obligations to pay dollar annuities to persons entitled thereto residing in Poland, hereinafter called the annuitants, by mailing dollar checks therefor to the annuitants. Such checks shall indicate the name and address in Poland of the payee and shall also indicate that they are paid in respect of annuity benefits. The Government of the United States agrees to inform the annuitants as to the substance of this Agreement and, in connection therewith will inform the annuitants as to the laws and regulations of Poland relating to the negotiation of such checks.

The Government of the Polish People's Republic agrees that:

- (a) during the period from June 30, 1975, through December 31, 1977, it will permit the annuitants to exchange 20 percent of the dollars so received for coupons of the Bank Polska Kasa Opieki S.A., hereinafter called the PKO Bank, valid for payment of goods purchased in foreign currency stores, and the annuitants shall be entitled to exchange dollars so received and not exchanged for said coupons for Polish zlotys at a relationship no lower than whichever of the following relationships is more favorable to such annuitants: (i) the relationship specified in Schedule A or (ii) a relationship not less favorable than the most favorable effective relationship accorded annuities received by residents of Poland from any third country, and
- (b) on and after January 1, 1976, it will permit the annuitants to exchange the dollars so received into Polish zlotys through the Social Security Enterprise, *Zaklad Ubezpieczen Spolecznych*, at a relationship not less favorable than the most favorable effective relationship accorded annuities received by residents of Poland from any third country, and the annuitants and their families shall have the right to medical services to the same

extent and on the same basis as any residents of Poland who are receiving annuities or pensions in Poland. In addition, the annuitants will have the right to other social benefits accorded under Polish laws and regulations to residents of Poland who are receiving annuities from any third country.

The Government of Poland further agrees that the annuitants shall be entitled to treatment, in matters relating to the receipt and disposition of their annuities, including rights to the purchase of coupons of the PKO Bank, no less favorable than that accorded residents of Poland who are receiving annuities from any third country.

The benefits of this Agreement will also be extended to all residents of Poland who receive annuities from non-governmental entities of the United States of America.

I have the honor to propose that this Note and your reply confirming the understandings contained herein shall enter into force on the date of your reply.

Accept, Excellency, the renewed assurance of my highest consideration.

For the Secretary of State:

[Signed]

PAUL H. BOEKER
Deputy Assistant Secretary
of State

Enclosure:
Schedule A

His Excellency Henryk Kisiel
Minister of Finance
of the Polish People's Republic

SCHEDULE A

<i>Period</i>	<i>Relationship of Zlotys to Dollar</i>
July 1, 1975—December 31, 1975	55 to 1
January 1, 1976—June 30, 1976	50 to 1
July 1, 1976—December 31, 1977	45 to 1

II

MINISTERSTWO FINANSÓW POLSKIEJ PZECZYPOSPOLITEJ LUDOWEJ*

Excellency:

I have the honor to present my compliments to the Honorable the Secretary of State and in reply to his note dated May 15, 1975, concerning the obligations of the Government of the Polish People's Republic and the Government of the United States of America under the P.L. 480 Agreements and the Annuity Agreement referred to in said note, have the honor to communicate the following:

The Government of the Polish People's Republic accepts the proposals presented in the above mentioned note of the Secretary of State. The above mentioned note and this reply constitute the Agreement between the Government of the Polish People's Republic and the Government of the United States of America which enters into force on the date of this note.

* In translation reads: "Ministry of Finance
Polish People's Republic".

In the course of talks the Government of the United States of America raised the question of the acquisition of residential and school facilities in Poland by the Government of the United States of America on favorable terms under the circumstances. The Government of the Polish People's Republic has confirmed that it will support such requests, advising at the same time that, according to Polish law, decisions in such cases are left at the discretion of proper authorities.

Accept, Excellency, the renewed assurances of my highest consideration.

Washington, May 15, 1975.

For the Minister of Finance:

[*Signed*]

MARIAN KRZAK

First Deputy Minister of Finance

His Excellency Mr. Henry A. Kissinger
Secretary of State