

No. 22264

**FEDERAL REPUBLIC OF GERMANY
and
AUSTRIA**

Treaty concerning reciprocity in cases involving official liability. Signed at Bonn on 3 November 1977

Authentic text: German.

Registered by the Federal Republic of Germany on 1 August 1983.

**RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE
et
AUTRICHE**

Traité relatif à la réciprocité en matière de responsabilité publique. Signé à Bonn le 3 novembre 1977

Texte authentique : allemand.

Enregistré par la République fédérale d'Allemagne le 1^{er} août 1983.

[TRANSLATION — TRADUCTION]

TREATY¹ BETWEEN THE FEDERAL REPUBLIC OF GERMANY AND
THE REPUBLIC OF AUSTRIA CONCERNING RECIPROCITY IN
CASES INVOLVING OFFICIAL LIABILITY

The Federal Republic of Germany and the Republic of Austria,
Desiring to regulate matters relating to official liability in bilateral relations between them,

Have agreed as follows:

Article 1. Nationals of either Contracting State may, in accordance with the legal regulations in force in the other Contracting State, assert the same claims, under the same conditions, in the area of official responsibility as nationals of the said other Contracting State.

Article 2. (1) The question who is a national of a Contracting State for the purposes of this Treaty shall be settled in accordance with the law of that Contracting State.

(2) Nationals of a Contracting State for the purposes of this Treaty shall include bodies corporate and other entities capable of legal action which have their actual place of business and their statutory place of business, if one exists, in one or both of the Contracting States or, if no place of business exists, are established there.

(3) The Governments of the Contracting States may, by agreement, extend this Treaty to stateless persons who have their habitual residence in either of the Contracting States.

Article 3. This Treaty shall also apply to *Land Berlin* unless the Government of the Federal Republic of Germany makes a contrary declaration to the Government of the Republic of Austria within three months after the entry into force of the Treaty.

Article 4. This Treaty shall not affect the Agreement of 14 September 1955 between the Federal Republic of Germany and the Republic of Austria for the Regulation of Official Liability Arising from the Actions of Authorities of One State in Frontier Areas of the Other State.²

Article 5. (1) This Treaty is subject to ratification. The instruments of ratification shall be exchanged at Vienna as soon as possible.

(2) This Treaty shall enter into force on the first day of the third month following the exchange of the instruments of ratification. It shall be applied in the event of harmful conduct which occurs after the entry into force of the Treaty.

¹ Came into force on 1 May 1979, i.e., the first day of the third month following the exchange of the instruments of ratification, which took place at Vienna on 20 February 1979, in accordance with article 5 (2).

² United Nations, *Treaty Series*, vol. 1418, No. 1-23741.

Article 6. (1) This Treaty is concluded for an indefinite period. It may be denounced in writing at any time through the diplomatic channel. Denunciation shall take effect one year after the time when it is communicated to the other Contracting State.

(2) If the Treaty ceases to have effect as a result of denunciation, its provisions shall continue to apply to cases in which the harmful conduct occurred before the Treaty ceased to have effect.

DONE at Bonn on 3 November 1977 in duplicate.

For the Federal Republic of Germany:

GENSCHER

For the Republic of Austria:

PAHR
