

**No. 26448**

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**AUSTRIA  
and  
GERMAN DEMOCRATIC REPUBLIC**

**Agreement on the settlement of outstanding questions relating to the law of property (with final protocol and exchanges of letters). Signed at Salzburg on 21 August 1987**

*Authentic text: German.*

*Registered by Austria on 21 February 1989.*

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**AUTRICHE  
et  
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Traité relatif au règlement de questions financières et patrimoniales demeurées en suspens (avec protocole final et échanges de lettres). Signé à Salzbourg le 21 août 1987**

*Texte authentique : allemand.*

*Enregistré par l'Autriche le 21 février 1989.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE REPUBLIC OF AUSTRIA AND THE GERMAN DEMOCRATIC REPUBLIC ON THE SETTLEMENT OF OUTSTANDING QUESTIONS RELATING TO THE LAW OF PROPERTY

The Republic of Austria and the German Democratic Republic,  
Desiring to contribute to further development of friendly relations between the Republic of Austria and the German Democratic Republic,  
Anxious to achieve a final settlement of outstanding questions relating to the law of property in accordance with the Joint Communiqué of 7 December 1972,  
Have agreed as follows:

*Article 1*

The German Democratic Republic shall pay to the Republic of Austria the amount of 136,400,000 (one hundred thirty-six million four hundred thousand) Austria schillings in settlement of claims under the law of property by the Republic of Austria, Austrian nationals or Austrian legal persons which have arisen as a result of their property having come under the exclusive control of the German Democratic Republic through nationalization or any other official measure of the German Democratic Republic.

*Article 2*

This Agreement shall also settle claims under the law of property by the German Democratic Republic and by nationals and legal persons of the German Democratic Republic which relate to the property, referred to in article 1, of the Republic of Austria, or of Austrian nationals or Austrian legal persons.

*Article 3*

This Agreement shall not apply to property of the Republic of Austria, Austrian nationals or Austrian legal persons which was acquired in the territory of the German Democratic Republic after 8 May 1945 and is administered under civil law in the German Democratic Republic.

*Article 4*

(1) Austrian persons within the meaning of article 1 are persons who, being natural persons, possessed Austrian nationality on 8 May 1945 or possess it at the time of the signature of this Agreement or, being legal persons, had or have their seat in the territory of the Republic of Austria on those key dates.

(2) Nationals or legal persons of the German Democratic Republic within the meaning of article 2 are persons who, being natural persons, possessed the nationality of the German Democratic Republic under the regulations of the German

<sup>1</sup> Came into force on 1 June 1988, i.e., the first day of the third month following the month of the exchange of the instruments of ratification, which took place at Berlin on 25 March 1988, in accordance with article 9 (2).

Democratic Republic at the time of signature of this Agreement or, being legal persons, were established in accordance with the regulations of the German Democratic Republic and have their seat in the territory of the German Democratic Republic on that key date.

#### Article 5

The foregoing definitions shall apply, *mutatis mutandis*, to legal successors upon demise of:

- Persons referred to in article 1 if, at the time of signature of this Agreement, such successors either possess Austrian nationality as natural persons or have their seat in the territory of the Republic of Austria as legal persons;
- Persons referred to in article 2 if, at the time of signature of this Agreement, such successors either possess the nationality of the German Democratic Republic as natural persons or have their seat in the territory of the German Democratic Republic as legal persons.

#### Article 6

(1) Apportioning the amount specified in article 1 shall fall exclusively within the competence of the Republic of Austria.

(2) Following full payment of the amount specified in article 1, the Republic of Austria shall, to the extent possible, hand over to the German Democratic Republic the documents relating to claims under article 1.

(3) For the purpose of apportioning the amount specified in article 1, the German Democratic Republic shall, to the extent possible, provide the information and documents required for examining the claims of the Austrians concerned.

#### Article 7

With the full payment of the amount specified in article 1, all claims relating to the law of property mentioned in articles 1 and 2 shall be definitively settled. After the entry into force of this Agreement, neither of the Contracting Parties will raise, or in any way support, claims against the other Contracting Party which are settled by this Agreement.

#### Article 8

(1) The German Democratic Republic shall discharge its obligation to pay under article 1 as follows:

The total amount shall be remitted in successive annual instalments by the Staatsbank of the German Democratic Republic to the Austrian Nationalbank.

The first instalment, in the amount of 31,400,000 (thirty-one million four hundred thousand) Austrian schillings, shall fall due 6 (six) months after the entry into force of this Agreement.

Each subsequent annual instalment shall amount to 0.8 per cent of the proceeds from the export of goods from the German Democratic Republic to the Republic of Austria as determined for the preceding calendar year in each case on the basis of official Austrian foreign-trade statistics.

An annual instalment shall not, however, amount to less than 21,000,000 (twenty-one million) Austrian schillings.

Instalments shall be due in each case in the first six months of each year starting with the year following the entry into force of this Agreement.

(2) The technical details of the payment procedure shall be agreed upon between the Staatsbank of the German Democratic Republic and the Austrian Nationalbank.

*Article 9*

(1) This Agreement shall be subject to ratification. The instruments of ratification shall be exchanged at Berlin as soon as possible.

(2) This Agreement shall enter into force on the first day of the third month following the expiry of the month in which the instruments of ratification are exchanged.

DONE at Salzburg, on 21 August 1987, in two originals in the German language.

For the Republic of Austria:

MOCK

For the German Democratic Republic:

BEIL

## FINAL PROTOCOL

On the occasion of the signature on today's date of the Agreement between the Republic of Austria and the German Democratic Republic on the settlement of outstanding questions relating to the law of property it is agreed that the two exchanges of letters annexed to the Agreement shall form an integral part of the Agreement.

Salzburg, 21 August 1987

For the Republic of Austria:

MOCK

For the German Democratic Republic:

BEIL

## EXCHANGES OF LETTERS

## Ia

Salzburg, 21 August 1987

Sir,

I have the honour to inform you that, subject to legal viewpoints on both sides, the following claims brought by the Austrian side shall not be subject matter of this Agreement:

1. Claims on agricultural and forestry property in respect of land over 100 hectares in a particular case;
2. Claims based on demands and balances which arose during the period between 13 March 1938 and 8 May 1945 in respect of any amount exceeding 50 per cent of the outstanding total in a particular case, balances being subject to the 1948 currency reform revaluation;
3. Claims based on insurance contracts which were concluded before 8 May 1945 in the territory of the present German Democratic Republic;
4. Claims based on loans or securities of the former German Reich, its former territorial authorities or former banks and former public institutions in the territory of the present German Democratic Republic;
5. Claims based on the possession of shares or other forms of participation in companies or on the ownership of enterprises to the extent that such companies or enterprises served the war economy interests of the former German Reich;
6. Claims based on savings under the so-called "Iron Savings" scheme.

I request you, Sir, to notify me of your consent to the above.

Accept, Sir, etc.

BEIL

H.E. Dr. Alois Mock  
Vice-Chancellor of the Republic of Austria  
Federal Minister for Foreign Affairs

## IIa

Salzburg, 21 August 1987

Sir,

I have the honour to acknowledge receipt of your letter of today's date which reads in German as follows:

[See letter Ia]

I declare that I agree to the contents of the above letter.

Accept, Sir, etc.

Mock

His Excellency Dr. Gerhard Beil  
Minister for Foreign Trade

## Ib

Salzburg, 21 August 1987

Sir,

I have the honour to inform you that, subject to legal viewpoints on both sides, claims brought by the Austrian side by the persons listed below or their legal successors, whose property was affected by measures taken in the territory of the present German Democratic Republic, shall also be subject matter of this Agreement:

Ella Ambar  
Pinkus Borenstein  
Ethel Borenstein  
Theodor Fried  
Hermine Stolz-Sternbach  
Lea Stupp

I request you, Sir, to notify me of your consent to the above.

Accept, Sir, etc.

Mock

H.E. Dr. Gerhard Beil  
Minister for Foreign Trade

## IIb

Salzburg, 21 August 1987

Sir,

I have the honour to acknowledge your letter of today's date which reads in German as follows:

[*See letter Ib*]

I declare that I agree to the contents of the above letter.

Accept, Sir, etc.

BEIL

H.E. Dr. Alois Mock  
Vice-Chancellor of the Republic of Austria  
Federal Minister for Foreign Affairs

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