

**No. 7397**

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**NETHERLANDS  
and  
AUSTRIA**

**Agreement (with annex) concerning the settlement of matters relating to property rights. Signed at Vienna, on 30 September 1959**

*Official texts : Dutch and German.*

*Registered by the Netherlands on 26 August 1964.*

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**PAYS-BAS  
et  
AUTRICHE**

**Accord (avec annexe) relatif au règlement de questions concernant les droits patrimoniaux. Signé à Vienne, le 30 septembre 1959**

*Textes officiels néerlandais et allemand.*

*Enregistré par les Pays-Bas le 26 août 1964.*

[TRANSLATION — TRADUCTION]

No. 7397. AGREEMENT<sup>1</sup> BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE REPUBLIC OF AUSTRIA CONCERNING THE SETTLEMENT OF MATTERS RELATING TO PROPERTY RIGHTS. SIGNED AT VIENNA, ON 30 SEPTEMBER 1959

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The Government of the Kingdom of the Netherlands and the Federal Government of the Republic of Austria, with a view to the final settlement of pending matters relating to property, have agreed as follows :

I

1. In connexion with the return of Austrian property in the Netherlands pursuant to the 1951 Declaration by the Netherlands Government, the text of which is annexed<sup>2</sup> hereto, the Government of the Kingdom of the Netherlands undertakes to place at the disposal of the Austrian Federal Government a total of 1,750,000 gulden for the final settlement of property matters pending between the two States.

2. The Austrian Federal Government declares that it will use this amount for the settlement of the claims upheld by it, and that it will neither advance nor support through the diplomatic channel any further claims against the Netherlands Government for the return of assets sequestered in the Kingdom of the Netherlands under the legislation concerning enemy property which belonged at the time of sequestration to persons who possessed or who have since acquired Austrian nationality.

This declaration does not apply to the claims enumerated in 3 (a), (b), (c) and (d).

3. In addition to the above-mentioned payment, the Government of the Kingdom of the Netherlands hereby agrees as follows :

(a) Assets of Austrian nationals which could not actually be taken over by the Netherlands Control Institute for administrative purposes shall be placed at the free disposal of the parties entitled thereto and no charge shall be payable to the Institute in respect of administrative costs or taxes.

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<sup>1</sup> Came into force on 18 May 1960, by an exchange of notes confirming that the constitutional requirements for the entry into force of the Agreement had been fulfilled, in accordance with article III.

<sup>2</sup> See p. 128 of this volume.

(b) Claims of Austrian nationals in respect of securities issued in the Netherlands which were not registered at the proper time with the Netherlands securities office shall be accorded the same treatment as similar claims of allied nationals in the Netherlands.

(c) Applications for the release of assets pursuant to the Netherlands Government Declaration of 1951 which are submitted by Austrian nationals between the date on which this Agreement enters into force and 31 December 1959 shall be processed as soon as possible.

(d) Applications for release made by Austrian Collecting Offices established under the Collecting Organizations Act of 13 March 1957, *Bundesgesetzblatt* (BGBl) No. 73, as set forth in the first and second Supplementary Acts on Collecting Organizations, BGBl Nos. 285/58 and 62/59, may be submitted up to 31 December 1959 in respect of unclaimed assets situated in the Kingdom of the Netherlands of which Austrian nationals to be specified who were victims of National Socialist persecution were deprived. This property, minus administrative expenses, shall be transferred as soon as possible to the above-mentioned Offices by the Netherlands authorities, in accordance with the Netherlands Government Declaration of 1951.

4. The Austrian Federal Government recognizes that Austrian property in the territory of the Netherlands is not subject to any confiscatory measures.

## II

1. The claims of Unilever N.V. Rotterdam and N.V. Beleggingsmaatschappij "Industriebank" in respect of their holdings in corporations with head offices in Germany shall be settled through the transfer to Unilever and the Industriebank by the Republic of Austria of a part, equivalent to the amount of such holdings, of the assets situated in Austria which have been assigned to Austria under article 22 of the State Treaty for the Re-establishment of an Independent and Democratic Austria, dated 15 May 1955.<sup>1</sup> For such transfers, the necessary supporting evidence shall be produced and the surety bond usual in such cases shall be posted.

In similar future cases, where claims are presented by Netherlands natural and legal persons, the Austrian Federal Government shall give sympathetic consideration to the possibility of making similar settlements.

2. The Austrian Federal Government is prepared to process as quickly as possible the applications of Netherlands nationals for compensation in respect of damage to property as a result of war and persecution, under the relevant Austrian legislation.

<sup>1</sup> United Nations, *Treaty Series*, Vol. 217, p. 223 ; Vol. 221, p. 439 ; Vol. 266, p. 382 ; Vol. 259, p. 445 ; Vol. 263, p. 424 ; Vol. 316, p. 350, and Vol. 420, p. 345.