No. 7778

AUSTRIA
and
BULGARIA

Treaty concerning the settlement of outstanding financial questions (with annexed lists and exchange of letters). Signed at Vienna, on 2 May 1963

Official texts: German and Bulgarian.

Registered by Austria on 14 May 1965.

AUTRICHE
et
BULGARIE

Accord relatif au règlement de questions financières pendantes (avec listes annexées et échange de lettres). Signé à Vienne, le 2 mai 1963

Textes officiels allemand et bulgare.

Enregistré par l'Autriche le 14 mai 1965.

[TRANSLATION — TRADUCTION]

No. 7778. TREATY[1] BETWEEN THE REPUBLIC OF AUSTRIA AND THE PEOPLE'S REPUBLIC OF BULGARIA CONCERNING THE SETTLEMENT OF OUTSTANDING FINANCIAL QUESTIONS. SIGNED AT VIENNA, ON 2 MAY 1963

The Republic of Austria and the People's Republic of Bulgaria,

Desiring to reach an understanding on the financial and property questions remaining to be settled between the two States and specified in this Agreement, have agreed upon the following provisions :

Article 1

The People's Republic of Bulgaria shall pay to the Republic of Austria a lump sum of 350,000 United States dollars :

(*a*) As compensation for losses of property, rights or interests in Bulgaria sustained as a result of Bulgarian nationalization, expropriation or other measures connected with the structural changes in the Bulgarian national economy, by the Republic of Austria or by individuals who or bodies corporate which possessed Austrian nationality at the time such measures were taken and who possess Austrian nationality at the time of signature of this Treaty, in so far as such property, rights or interests have come within the disposal of the People's Republic of Bulgaria; rights and interests within the meaning of this provision also include claims antedating 16 October 1948 of the aforesaid Austrian individuals or bodies corporate against Bulgarian debtors arising from trade and insurance transactions, and assets of such Austrian individuals or bodies corporate held by Bulgarian credit institutions, as specified in schedule I,[2] in so far as such claims from trade and insurance transactions and such assets have come within the disposal of the People's Republic of Bulgaria.

(*b*) For the redemption of bonds held by Austrian individuals or bodies corporate on 1 July 1953 and at the time of signature of this Treaty against external loans issued or guaranteed by the Bulgarian State;

(*c*) For the purchase of real property under Austrian ownership not affected by the measures referred to in sub-paragraph (*a*), as specified in schedule II.[3]

[1] Came into force on 18 June 1964, the thirtieth day following the exchange of the instruments of ratification which took place at Sofia on 19 May 1964, in accordance with article 10.
[2] See p. 174 of this volume.
[3] See p. 176 of this volume.

For this purpose the sum of 85,288 United States dollars shall be set aside out of the lump sum.

The provisions of sub-paragraphs (*a*) and (*b*) above shall similarly apply to the heirs of the persons therein referred to, where such heirs possess Austrian nationality at the time of signature of this Treaty.

Article 2

The payment in full of the lump sum referred to article 1 shall extinguish the liability of the People's Republic of Bulgaria or of Bulgarian individuals or bodies corporate vis-à-vis the Republic of Austria or the Austrian individuals or bodies corporate for whose compensation the lump sum referred to in article 1 is intended. Upon the extinction of that liability, the Republic of Austria shall consider all claims of the kinds described in article 1 to have been finally settled, whether or not they were put forward during the negotiations.

After the entry into force of this Treaty, the Republic of Austria shall not make or in any way support any claims against the People's Republic of Bulgaria which have been settled by virtue of article 1 of this Treaty.

Claims antedating 16 October 1948 of the People's Republic of Bulgaria or of Bulgarian individuals or bodies corporate against the Republic of Austria or against Austrian individuals or bodies corporate shall likewise be finally settled with the conclusion of this Treaty. The People's Republic of Bulgaria shall not make or support through the diplomatic channel any claims antedating 16 October 1948 put forward by Bulgarian individuals or bodies corporate against the Republic of Austria or against Austrian individuals or bodies corporate.

Article 3

The distribution of the lump sum referred to in article 1 shall be the exclusive responsibility of the Republic of Austria.

Article 4

This Treaty shall not affect claims arising from trade and payments agreements in force between the People's Republic of Bulgaria and the Republic of Austria.

Similarly, nothing in this Treaty shall be so construed as to prejudice the presentation of claims of Austrian nationals arising from Bulgarian obligations under international treaties.

Article 5

After payment in full of the lump sum the Republic of Austria shall deliver to the People's Republic of Bulgaria such securities and other evidences of debt or title as are covered by the settlement under article 1 and are within the disposal of the Austrian Federal Government.

To facilitate the distribution of the lump sum, the People's Republic of Bulgaria shall so far as possible furnish to the Austrian Republic such information and documents as may be necessary for verifying the applications made by Austrian claimants.

So far as concerns article 2, third paragraph, the Republic of Austria shall so far as possible furnish to the People's Republic of Bulgaria such information and documents as may be necessary for verifying the claims specified therein.

Article 6

It is understood that this Treaty shall not apply to claims of Austrian nationals arising from Bulgarian legislative or administrative measures adopted after the signature of the State Treaty;

Article 7

With a view to the application of this Treaty, the Austrian National Bank shall open within thirty days after its entry into force, in the name of the Bulgarian National Bank, a special non-interest-bearing account in dollars of account, entitled " Austro-Bulgarian Treaty of 2 May 1963 concerning the settlement of outstanding financial questions ".

Article 8

The special account referred to in article 7 of this Treaty shall be financed, pending the payment in full of the lump sum provided for in article 1, by means of quarterly remittances from the Bulgarian National Bank to the Austrian National Bank. The amount of each remittance shall be five per cent of the total amount of all payments for deliveries of Bulgarian goods to Austria made during the preceding calendar quarter from Austria to Bulgarian payees; such remittances, however, shall not exceed a maximum of 100,000 United States dollars per calendar year.

Not later than one week after the expiry of each calendar quarter, the Austrian National Bank shall notify the Bulgarian National Bank of the amount of the sum calculated in accordance with the first paragraph of this article, and the Bulgarian National Bank shall then instruct the Austrian National Bank, within fourteen days after receipt of such notification, to transfer the sum, as verified by it, from its Bulgarian clearing account into the special account referred to in article 7. For the purpose of the necessary conversion, one United States dollar shall be deemed to be equivalent to one dollar of account.

After the sum has been credited to the special account, the balance of that account shall be duly adjusted and paid into an account held at the Austrian National Bank for the Republic of Austria.

If the Payments Agreement expires before the lump sum specified in article 1 has been remitted in full, the balance shall be paid in accordance with the general procedure then applicable to payments for goods deliveries between the People's Republic of Bulgaria and the Republic of Austria.

Article 9

The Austrian National Bank and the Bulgarian National Bank shall agree upon the technical procedure for remittances.

Article 10

This Treaty shall be subject to ratification. The exchange of the instruments of ratification shall take place at Sofia. The Treaty shall enter into force on the thirtieth day after the exchange of instruments of ratification.

DONE at Vienna on 2 May 1963 in duplicate, in the German and Bulgarian languages, both texts being equally authentic.

For the Republic of Austria:
KREISKY

For the People's Republic of Bulgaria:
AVRAMOV

SCHEDULE I *AD* ARTICLE 1 (*a*)

No.	*Austrian creditor*	*Bulgarian debtor*
1.	Teodora A. Welisarova-Eberle, Vienna XVIII, Währinger Str. 81	State Savings Bank at Vidin, Acct. No. 10/39
2.	DDSG, Vienna III, Hintere Zollamtsstr. 1	State Savings Bank at Russe, Acct. No. 10/34 b
3.	Elisabeth Fried, accts. in name of Eduard Ignaz Halas, Vienna III, Gärtnerstrasse 7/7	State Savings Bank at Sofia, Leninski Raion, Acct. No. 10/336, Acct. No. 10/1858
4.	Penka Franz Kubiczek, Vienna XII, Malfattigasse 13/10	State Savings Bank (Lovech), Raion V, Sofia, Acct. No. 10/675
5.	Alexander Eduard Posluschny, Vienna XIII, Nothartgasse 38	State Savings Bank at Sofia, Leninski Raion, Acct. No. 10/473
6.	Harald Wladimirov Salabascheff, Wolfern, Bezirk Steyr	State Savings Bank at Sofia, Leninski Raion, Acct. No. 10/2718