No. 2751

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND and AUSTRIA

Exchange of notes (with annex) constituting an agreement for the validation in Austria of foreign currency bonds. Vienna, 31 May 1954, and London, 14 October 1954

Official texts: English and German.

Registered by the United Kingdom of Great Britain and Northern Ireland on 11 February 1955.

ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD et AUTRICHE

Échange de notes (avec annexe) constituant un accord concernant la validation en Autriche des obligations libellées en monnaies étrangères. Vienne, 31 mai 1954 et Londres, 14 octobre 1954

Textes officiels anglais et allemand.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 11 février 1955.

No. 2751. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT[1] BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE AUSTRIAN GOVERNMENT FOR THE VALIDATION IN AUSTRIA OF FOREIGN CURRENCY BONDS. VIENNA, 31 MAY 1954, AND LONDON, 14 OCTOBER 1954

I

Her Majesty's Ambassador at Vienna to the Austrian Minister for Foreign Affairs

BRITISH EMBASSY

Vienna, May 31, 1954

Your Excellency,

As your Excellency is aware, negotiations have recently taken place between the Federal Minister of Finance for the Republic of Austria and the Corporation of Foreign Bondholders of London, with a view to the conclusion of an Agreement relating to the validation in Austria of foreign currency bonds, as envisaged in Section 2 (4) of the Foreign Bond Validation Law enacted in Austria on December 16, 1953. The Federal Minister of Finance and the Corporation of Foreign Bondholders have agreed that the arrangement set forth in the Annex to the present Note should form the basis of such an Agreement.

Her Majesty's Government in the United Kingdom approve of the provisions of this arrangement, and, if they are likewise acceptable to the Austrian Government, I have the honour to suggest that the present Note and its Annex, together with your Excellency's reply to that effect, should be considered as constituting an Agreement between our two countries which shall take effect on delivery of a notification by the Austrian Embassy in London to Her Majesty's Foreign Office that all the requirements of Austrian Law for the conclusion of an international agreement have been fulfilled.

I have the honour to be, with the highest consideration, Your Excellency's obedient Servant,

Geoffrey A. WALLINGER

[1] Came into force on 14 October 1954, in accordance with the provisions of the said notes.

ANNEX

Clauses Agreed between the Federal Minister of Finance for the Republic of Austria and the Corporation of Foreign Bondholders

It is agreed as follows :—

1. Except where the context otherwise requires, the following terms occurring in this arrangement shall have the following meanings :—

(*a*) the term "Court of Arbitration" shall mean the agency for the United Kingdom appointed pursuant to this arrangement and to Section 3 of the Law ;

(*b*) the term "Foreign Bonds" shall mean all securities listed in the Annex to the Law ;

(*c*) the term "Sterling Bonds" shall mean foreign bonds designated in sterling currency of the United Kingdom and in respect of which the principal paying agent is situated in the United Kingdom ;

(*d*) "Authorised Depositary" shall mean the persons authorised to act as such under the Exchange Control Act, 1947 ;

(*e*) the singular shall include the plural and *vice versa.*

2.—(1) The Austrian Federal Minister of Finance (hereinafter called "the Minister") will appoint a Court of Arbitration in the City of London to whom petitions in respect of Sterling Bonds under Section 3 of the Law may be submitted and who shall have authority to determine the validity of the bond.

(2) The Court of Arbitration shall consist of persons appointed by the Minister, one of whom shall be nominated by him, another by the Corporation of Foreign Bondholders, London (hereinafter called "the Corporation"), and the chairman nominated by the other two. A secretariat shall be attached to the Court of Arbitration.

(3) The Court of Arbitration shall hear and determine all petitions and take such evidence as it deems necessary and shall make its decisions by joint action of the two associate arbitrators if they are in agreement. If they are not in agreement they shall refer the matter to the chairman, whose decision shall constitute the decision of the Court of Arbitration.

(4) The decision of the Court of Arbitration shall be notified, not only to the petitioner, but also to the holder of the security, the trustees (if any), the paying agents for the bond and the Corporation.

3.—(1) The Secretariat of the Court of Arbitration shall also advise holders in the United Kingdom of foreign bonds, other than Sterling bonds, as to the procedure for petitions being made either to the commercial court in Vienna or to agencies established in countries other than the United Kingdom who may have jurisdiction in connection with such bonds. The Secretariat shall if so required forward petitions in respect of such foreign bonds to such court or agency with the evidence provided by the petitioner for a decision of such court or agency.

(2) Any petition delivered to the Secretariat of the Court of Arbitration within the time-limit provided by the Law shall be deemed to be within such time-limit, notwithstanding that it does not reach such court or agency having jurisdiction in the matter within such time-limit.