

No. 3930

**UNITED STATES OF AMERICA
and
AUSTRIA**

**Agreement (with appendix) concerning the disposition of
certain United States property in Austria. Signed at
Vienna, on 26 September 1955**

Official texts: English and German.

Registered by the United States of America on 12 July 1957.

**ÉTATS-UNIS D'AMÉRIQUE
et
AUTRICHE**

**Accord (avec annexe) concernant la liquidation de certains
biens américains en Autriche. Signé à Vienne, le
26 septembre 1955**

Textes officiels anglais et allemand.

Enregistré par les États-Unis d'Amérique le 12 juillet 1957.

No. 3930. AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF AUSTRIA CONCERNING THE DISPOSITION OF CERTAIN UNITED STATES PROPERTY IN AUSTRIA. SIGNED AT VIENNA, ON 26 SEPTEMBER 1955

1. Whereas, under date of June 21, 1947, the United States of America and the Republic of Austria entered into an agreement entitled: "Agreement between the Government of the United States of America and the Federal Government of Austria regarding settlement for war accounts and claims incident to the operations of the U. S. Forces in Austria during the period 9 April 1945 to 30 June 1947, inclusive²"; and

2. Whereas the United States of America has certain rights and titles to properties, real and personal, located in Austria which the Republic of Austria is desirous of acquiring and which the United States of America is prepared to transfer to the Republic of Austria; and

3. Whereas the Republic of Austria, declares its intention to make maximum use of property and equipment described and transferred in Article II herein for the maintenance of its national defense;

4. Therefore, and in consideration thereof, the undersigned acting on behalf of their Governments, agree on the following provisions:

Article I

1. This agreement is not intended and shall not be construed to be in any way a modification, amendment, or change of the effect of the Austrian State Treaty signed at Vienna on May 15, 1955.³

2. This agreement is not intended, and shall not be construed, as abrogating or limiting in any way the obligations and liabilities of the Republic of Austria under the terms of the said agreement referred to in introductory paragraph I.

¹ Came into force on 26 September 1955 by signature.

² United Nations, *Treaty Series*, Vol. 67, p. 89.

³ United Nations, *Treaty Series*, Vol. 217, p. 223; Vol. 221, p. 439; Vol. 226, p. 382; Vol. 259, p. 445, and Vol. 263, p. 424.

3. The English and German texts of this agreement shall be equally authentic.

Article II

1. The United States of America transfers, effective on the dates hereinafter mentioned, all of its rights, titles, and interests in the properties, real, personal, and mixed, described in Appendix A¹ hereto and in any supplement which may be added thereto.

2. The effective date of the transfers shall be, as to each property, the day on which the United States of America releases physical possession and control thereof to the Republic of Austria, which releases shall be effected as rapidly as practicable.

3. Each property is so transferred "as is", "where is", in the condition existing on the day of said release of the physical possession and control, without any warranty, guarantee, or any obligation then or thereafter of the United States of America as to its condition or usefulness.

4. The Republic of Austria agrees that it will not export nor permit the exportation of any of said properties for use outside of Austria without prior consent of the United States of America.

Article III

1. The Republic of Austria, for and on behalf of itself, its Departments and Agencies, and for and on behalf of all land, municipal and other local governments, their departments and agencies, and for and on behalf of all Austrian nationals, hereby waives all claims against the United States of America, its agencies, officers, agents and those acting on their behalf or under their authority, and releases and discharges them and each of them from all such claims.

2. The Republic of Austria also hereby assumes and agrees to settle all claims by any and all persons and juridical entities regardless of nationality, citizenship, or residence, against the United States of America, its agencies, officers, agents and those acting on their behalf or under their authority, and to indemnify and save harmless them and each of them from all such claims.

¹ See p. 42 of this volume.

3. The Republic of Austria agrees to pay and settle, on behalf of the United States of America, any claims arising out of contracts (except as otherwise provided for in Article V of this agreement) between individuals, juridical persons or entities regardless of nationality, citizenship or residence, and the United States of America, its departments or agencies entered into, within the then and now existing geographical boundaries of Austria, on and after April 9, 1945 up to and including the date of withdrawal from Austria of the last element of the forces of the United States of America pursuant to the provisions of Article 20 of the said State Treaty.

4. However, the Republic of Austria does not agree to pay and settle any claims which may be asserted by any contractor (other than the Republic of Austria, its departments or agencies, or a land, municipal or other local government or department or agency thereof) on the basis of a contract with the United States of America, its departments or agencies, which has been completed or terminated and settlement thereof has been made between the contractor and the United States of America according to the terms of the contract. Upon request from the Republic of Austria information will be furnished by the United States of America whether or not an asserted claim falls within the provisions of this paragraph.

Article IV

1. The term "claims" as used in paragraphs 1 and 2 of Article III covers and includes, except as specified by the provisions of paragraphs 3 and 4 of Article III, and Article V, all claims of every kind, nature and description, arising out of acts or omissions occurring, or out of contracts entered into with the Republic of Austria, its Departments and Agencies and all Land, Municipal and other local governments, their departments and agencies, on or after April 9, 1945 up to and including the date of withdrawal from Austria of the last element of the forces of the United States of America pursuant to the provisions of Article 20 of the said State Treaty, which accrued or will accrue within the then and now existing geographical boundaries of Austria.

2. The Republic of Austria agrees to consider, determine and settle promptly the claims herein assumed.

Article V

1. In accordance with the policy of the United States of America to make provisions for claimants through the period of the presence of the United States Forces in Austria, it is agreed that the following exceptions are made to

the provisions of Articles III and IV above, subject to the conditions stated hereunder.

2. The United States of America shall continue to pay and discharge the following :

a. Wages and salaries due employees of the United States of America, its departments, agencies and officers including termination pay due according to USFA and USCOA ^[1] directives.

b. Amounts due to individuals, juridical persons or entities, other than Austrian Federal, Land, municipal, or other local governments or agencies or departments of such governments, for :

- (1) Purchases of foodstuffs and other items, objects, or articles for consumption or use by the United States of America, its departments, agencies or personnel.
- (2) Emergency services or repairs.
- (3) Transportation services.

3. The United States of America shall, subject to the conditions hereunder, continue to pay up to the dates hereinafter specified, the following :

a. Amounts due up to and including August 31, 1955, but not thereafter; for rent, utilities, and services, including lease personnel and their termination pay (if employment is terminated) according to USFA directives and the provisions of the applicable lease, but not for restoration and repairs, under leases and requisitions of real, personal or mixed property; for transportation services furnished by the Austrian Federal Railways; and for communication services furnished by the Austrian Post and Telegraph Administration; provided however that :

- (1) The amounts so due up to and including August 31, 1955 are properly and correctly computed and bills and statements therefor are submitted not later than September 30, 1955 to the United States Officer responsible for certifying the same for payment. Any such amounts not properly and correctly billed by September 30, 1955 will not be paid by the United States of America and will, on and after October 1, 1955 become and remain the obligation of the Republic of Austria under the terms of Articles III and IV above.
- (2) With respect to lease personnel, it is further agreed that if the United States Forces in Austria retain the services of any lease personnel after August

¹ Office of the United States High Commissioner for Austria.