

ACCORD ENTRE LE CONSEIL FEDERAL DE LA CONFEDERATION
SUISSE ET LE GOUVERNEMENT DU ROYAUME-UNI DE GRANDE-
BRETAGNE ET D'IRLANDE DU NORD SUR LA RESOLUTION DES
CONFLITS DE SEQUESTRE RELATIFS AUX BIENS ALLEMANDS
SIS SUR LEURS TERRITOIRES.

Le Conseil fédéral suisse (désigné ci-après par les termes "Gouvernement suisse") et le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord (désigné ci-après par les termes "Gouvernement du Royaume-Uni"),

désireux de résoudre les conflits de séquestre ayant trait à des biens allemands sis sur leurs territoires et faciliter la liquidation de ces biens dans leur intérêt commun,

sont convenus de ce qui suit :

Article premier

- A. Les billets de banque et les titres au porteur
- a) qui ont été émis par un Gouvernement signataire ou par une entreprise organisée selon ses lois; et
 - b) qui appartiennent à une personne allemande ou à une entreprise sous contrôle allemand, organisée selon les lois d'un Gouvernement signataire,
- seront liquidés par le Gouvernement signataire sur le territoire duquel ils se trouvent.

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B. Chacun des Gouvernements signataires facilitera, dans la mesure des pouvoirs qu'il exerce généralement dans ce domaine, le service des coupons et la liquidation des titres au porteur que l'alinéa précédent de cet article attribue à l'autre Gouvernement signataire.

Article 2

Les titres nominatifs

- a) qui ont été émis par l'un des Gouvernements signataires ou par une entreprise organisée selon ses lois; et
 - b) qui appartiennent à une personne allemande ou à une entreprise sous contrôle allemand, organisée selon les lois d'un Gouvernement signataire,
- seront liquidés par le Gouvernement signataire sur le territoire duquel ils ont été émis.

Article 3

Chacun des Gouvernements signataires libérera les comptes de couverture ouverts auprès d'un institut financier situé sur son territoire, constituant la contrepartie d'un compte en devises étrangères, que gère en faveur d'une personne allemande un institut financier, qui n'est pas sous contrôle allemand, situé sur le territoire de l'autre Gouvernement signataire.

Article 4

Nonobstant les dispositions des articles 1 ou 2 du présent accord, tout bien sis sur le territoire d'un

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Gouvernement signataire et faisant partie de la succession - comprenant un intérêt d'une personne allemande - d'une personne non allemande domiciliée à son décès sur le territoire de l'autre Gouvernement signataire, sera libéré en faveur du Gouvernement signataire où la succession a été ouverte. Font exception les biens immobiliers et les droits grevant la propriété immobilière que liquidera le Gouvernement signataire sur le territoire duquel ils se trouvent.

Article 5

Nonobstant les dispositions des articles 1 ou 2 du présent accord, tout intérêt d'une personne allemande dans les biens situés sur le territoire d'un Gouvernement signataire, appartenant à une fondation valable ou à un trust créé de bonne foi, sera liquidé par le Gouvernement signataire selon les lois duquel la fondation ou le trust a été constitué.

Article 6

Les Gouvernements signataires, en vue de concilier l'application des législations en vigueur en Suisse et dans le Royaume-Uni, concluront des arrangements spéciaux sur le sort des biens en Suisse ou dans le Royaume-Uni, appartenant à des entreprises sous contrôle allemand, organisées selon les lois du Royaume-Uni ou de la Suisse.

Article 7

Nonobstant les dispositions contraires figurant dans le présent accord, tout bien qu'une

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personne ou une entreprise, prétendant agir en qualité de mandataire, agent, trustee ou en toute autre qualité, détient, en vue de le couvrir frauduleusement, pour le compte d'une personne allemande, sera considéré comme appartenant directement à cette personne.

Article 8

Les Gouvernements signataires s'engagent à respecter les droits de rétention, de gage, et autres droits de même nature, grevant les biens visés par le présent accord, s'ils ont été constitués avant la date à laquelle le Gouvernement signataire, sur le territoire duquel ces biens se trouvent, a pris des mesures pour contrôler les biens allemands, et si lesdits droits sont conformes aux lois de ce Gouvernement.

Article 9

Les Gouvernements signataires sont convenus de sauvegarder, dans la mesure du possible, et de cas en cas, les intérêts suisses et du Royaume-Uni dans les entreprises, successions, trusts et fondations, dont les biens seront soumis aux dispositions du présent accord.

Article 10

Aux termes du présent accord,

- 1) l'expression "personne allemande" signifie
 - a) une personne physique, de nationalité allemande, résidant en Allemagne à la date critère ou après cette date;

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- b) une personne juridique, constituée selon les lois allemandes et existant à la date critère ou après cette date;
- 2) l'expression "date critère" signifie, en ce qui concerne le Gouvernement suisse, le 16 février 1945, et en ce qui concerne le Gouvernement du Royaume-Uni, le 3 septembre 1939;
- 3) une entreprise sera considérée comme étant sous contrôle allemand si des personnes allemandes
- a) détiennent 50% au moins des droits de vote ou d'autres droits de propriété; ou
 - b) exercent un contrôle déterminant sur les destinées, la gestion, le vote des actionnaires, ou le fonctionnement de l'entreprise.

où le Gouvernement suisse notifiera au Gouvernement du Royaume-Uni qu'il a pris un arrêté aux fins de liquider les biens allemands, conformément à l'accord financier conclu à Washington le 25 mai 1945.

Article 11

Les Gouvernements signataires s'engagent à se donner mutuellement toutes les informations et l'assistance nécessaires, en vue de permettre l'exécution du présent accord. Chaque Gouvernement signataire s'engage notamment à fournir toutes les informations qu'il possède ou qu'il peut obtenir au sujet des biens visés par le présent accord, dont la propriété n'a pas été révélée aux personnes qui les détiennent ou les gèrent.

Intérêts non-allemands substantiels, seront, dans la mesure du possible, biens allemands liquides en Suisse et au Royaume-Uni, et qu'ils se consulteront

Article 12

Le jour de la signature du présent accord ou après cette date, le Gouvernement du Royaume-Uni peut déclarer, en le notifiant par écrit, qu'il désire en étendre l'application à tout ou partie des territoires

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dont les relations internationales lui incombent. Le présent accord s'appliquera aux territoires désignés dans la notification, dès que le Gouvernement suisse l'aura reçue ou dès que le présent accord entrera en vigueur, à la plus tardive de ces deux dates.

Article 13

Le présent accord s'appliquera également à la Principauté de Liechtenstein.

Article 14

Le présent accord entrera en vigueur le jour où le Gouvernement suisse notifiera au Gouvernement du Royaume-Uni qu'il a pris un arrêté aux fins de liquider les biens allemands en Suisse, conformément à l'accord financier conclu à Washington le 25 mai 1946.

Déclaration

Les Gouvernements signataires conviennent, en principe, que les biens à l'étranger d'entreprises organisées selon les lois allemandes et comportant des intérêts non-allemands substantiels, seront, dans la mesure du possible, exclus des biens allemands liquidés en Suisse et au Royaume-Uni, et qu'ils se consulteront en vue d'appliquer ce principe aux cas particuliers d'entreprises allemandes comportant un intérêt substantiel suisse ou du Royaume-Uni au moment où ces cas se présenteront.

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En foi de quoi, les soussignés, dûment autorisés par leur Gouvernement, ont signé le présent accord et y ont apposé leurs cachets.

Fait à Berne, en double expédition, en français et en anglais, les deux textes étant également authentiques, le huit décembre mil neuf cent cinquante.

H. Kuntzi

Patrick A. Scrivener



AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND NORTHERN IRELAND AND THE FEDERAL
COUNCIL OF THE SWISS CONFEDERATION FOR THE SETTLEMENT
OF CONFLICTING CLAIMS TO GERMAN ASSETS IN THEIR
RESPECTIVE TERRITORIES.

The Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as "the Government of the United Kingdom") and the Federal Council of the Swiss Confederation (hereinafter referred to as "the Government of Switzerland")

Desiring to resolve conflicting claims to German assets in their respective territories and to facilitate the disposal of such assets to the common advantage

Have agreed as follows:-

ARTICLE 1

- A. Currency notes and securities in bearer form which
- (a) have been issued by either of the contracting Governments or by an enterprise organised under its laws; and
 - (b) are owned by a German national, or by a German controlled enterprise organised under the laws of either of the contracting Governments,
- shall be disposed of by the contracting Government in whose territory they are located.

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B. Each contracting Government will, to the extent of the powers it usually exercises in these matters, facilitate the disposal and servicing of securities in bearer form which fall to the other contracting Government under the preceding paragraph of this Article.

ARTICLE 2

Securities in registered form which

- (a) have been issued by either of the contracting Governments or by an enterprise organised under its laws; and
 - (b) are owned by a German national, or by a German controlled enterprise organised under the laws of either of the contracting Governments,
- shall be disposed of by the contracting Government in whose territory they were issued.

ARTICLE 3

A cover account opened with a financial institution situated in the territory of one of the contracting Governments and constituting the counterpart of a foreign currency account maintained in favour of a German national by a financial institution which is not German controlled and is situated in the territory of the other contracting Government shall be released.

ARTICLE 4

Notwithstanding anything in Articles 1 or 2 of the present Agreement, property in the territory of one of the

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contracting Governments forming part of the estate of a person other than a German national who has died domiciled in the territory of the other contracting Government, in which estate a German national has an interest, shall be released to the contracting Government in whose territory the estate is being administered, with the exception of immovable property and rights secured upon immovable property which shall be disposed of by the contracting Government in whose territory the immovable property is located.

ARTICLE 5

Notwithstanding anything in Articles 1 or 2 of the present Agreement, any interest of a German national in property in the territory of either contracting Government forming part of a valid foundation (Stiftung) or bona fide trust shall be disposed of by the contracting Government under whose laws the foundation or trust has been constituted.

ARTICLE 6

The contracting Governments, with a view to reconciling the application of the legislation in force in Switzerland and the United Kingdom, will enter into detailed arrangements for the disposal of the property in the United Kingdom or Switzerland of German controlled enterprises organised under the laws of Switzerland or the United Kingdom respectively.

ARTICLE 7

Notwithstanding anything to the contrary in the present Agreement property which is held for the benefit

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of a German national by any person or enterprise as a cloak, whether such person or enterprise purports to hold the property as nominee, agent, trustee or in any other capacity, shall be regarded as directly owned by that German national.

ARTICLE 8

The contracting Governments undertake to respect lien, pledges and rights of a similar nature attached to property covered by the present Agreement, provided that they were created prior to the date when the contracting Government in whose territory the property is located instituted measures for the control of property of German nationals and provided that they are valid according to its law.

ARTICLE 9

The contracting Governments agree to safeguard as far as possible, on a case by case basis Swiss and United Kingdom interests in the enterprises, estates, trusts and foundations, whose assets are to be dealt with in accordance with the present Agreement.

ARTICLE 10

In the present Agreement

(1) the term "German national" shall mean and include -

- (a) a person of German nationality resident in Germany on or after the material date;

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- (b) a juridical person existing under the laws of Germany on or after the material date;
- (2) the expression "material date" means in relation to the Government of the United Kingdom the third day of September, 1939, and in relation to the Government of Switzerland the sixteenth day of February, 1945;
- (3) an enterprise shall be considered as being German controlled if German nationals
 - (a) hold 50% or more of the voting rights or of other proprietorship interests; or
 - (b) exercise an effective control over the policy, management, voting-power or operation of the enterprise.

ARTICLE 11

The contracting Governments undertake to exchange all information and assistance necessary for the implementation of the present Agreement. In particular each contracting Government undertakes to furnish to the other contracting Government any information in its possession or which it is able to obtain concerning property covered by the present Agreement of which the ownership has not been disclosed to the persons holding or managing the same.

ARTICLE 12

The Government of the United Kingdom may at the time of signature or later declare by notification in writing that it desires the present Agreement to apply to all or any of the territories for the international relations of which it is responsible and the Agreement shall apply to the territories

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named in the notification from the date of receipt thereof by the Government of Switzerland or from the date on which the Agreement comes into force, whichever is the later.

ARTICLE 13

The present Agreement shall also apply to the Principality of Liechtenstein.

ARTICLE 14

The present Agreement shall come into force on the date upon which the Government of Switzerland notifies the Government of the United Kingdom that it has authorised by decree the liquidation of German property in Switzerland pursuant to the Agreement concerning the Liquidation of German Property in Switzerland concluded at Washington on 25th May 1946.

DECLARATION

The contracting Governments agree in principle that the external capital assets of enterprises organised under the laws of Germany, in which there are substantial non-German interests, should so far as practicable be excluded from the German property liquidated in the United Kingdom and Switzerland and will consult together to give effect to this principle in particular cases, as they arise, of German incorporations in which there are substantial United Kingdom or Swiss interests.

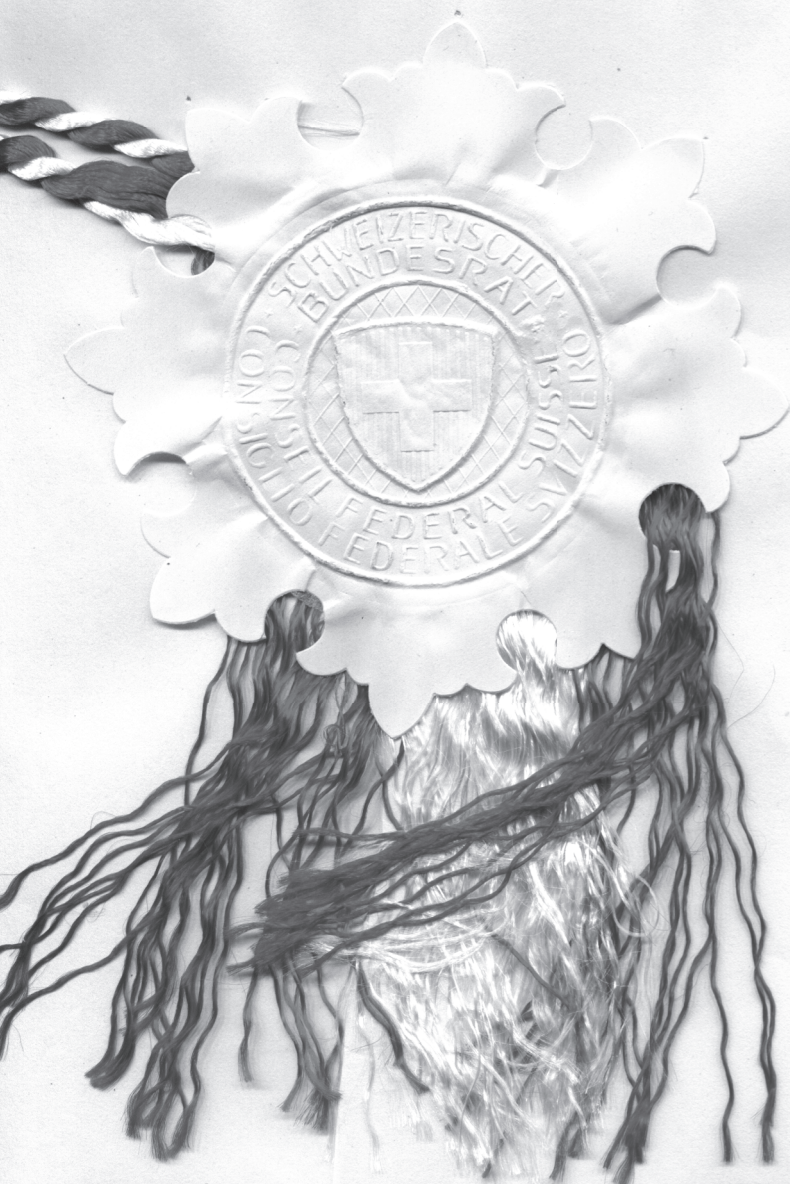
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In witness whereof the undersigned, duly authorised for the purpose by their respective Governments, have signed the present Agreement and have affixed thereto their seals.

Done in Berne in duplicate in the English and French languages, both texts being equally authoritative, on the eighth day of December, nineteen hundred and fifty.

Patrick Scrivener

H. Chantre





British Legation,
BERNE.

1508/47/53

18th April, 1953.

Your Excellency,

The Agreement between the Government of the United Kingdom and the Federal Council of the Swiss Confederation for the Settlement of Conflicting Claims to German Assets in their Respective Territories signed at Berne on 8th December, 1950 (hereinafter referred to as "the Inter-custodial Agreement") provides in Article 14 that it should enter into force when the Swiss Government notifies the Government of the United Kingdom that it has authorised by decree the liquidation of German property in Switzerland. Since the signature of the Inter-custodial Agreement, the situation has been changed as a result of the signature at Berne on 28th August, 1952, of the Agreement between the United Kingdom, France and the United States and Switzerland concerning German property in Switzerland whereby the three Governments have received a lump sum in lieu of the proceeds of liquidation.

2. The Government of the United Kingdom therefore proposes that the Inter-custodial Agreement should be regarded as having come into force upon the date upon which the Swiss Government made the payment mentioned in Article 1 of the Agreement of 28th August, 1952, namely, on the 2nd April, 1953.

3. I am also instructed to state that the Government of the United Kingdom intend to deal under the Distribution of German Enemy Property Act with the

/assets ...

Son Excellence
Monsieur Walter Stücki,
Département Politique Fédéral.



assets of enterprises organised under the laws of Switzerland which have been taken under control under the Trading with the Enemy legislation in the United Kingdom, and to reaffirm its view that such action will be fully in accordance with the provision of the Inter-custodial Agreement.

4. I have the honour to propose that if the arrangements set out above are acceptable to the Swiss Government, this Note and Your Excellency's reply in that sense shall be regarded as constituting an Agreement between our respective Governments.

I have the honour to renew to Your Excellency the assurance of my high consideration.

H. M. Minister



British Legation,
BERNE.

1508/48/53

18th April, 1953.

Monsieur le Ministre,

With reference to my letter of to-day's date to Your Excellency regarding the Inter-Custodial Agreement, I confirm that in the course of the negotiations understanding was reached on the following points:

1. The Swiss Compensation Office take the view that the Pelzer- and Kaszony-Stiftungen fall outside the scope of the Inter-Custodial Agreement and they have no interest in these Stiftungen.

2. The custodial Authorities in the United Kingdom waive any claim they might have to a holding of Swiss francs 240,000.- in gold coin held by a Swiss bank in London to the order of the Société Financière et Technique S.A. which the Swiss Compensation Office brought to their attention.

3. As regards securities issued by governments other than the governments of Switzerland or the United Kingdom or by enterprises other than those organised under the laws of Switzerland or the United Kingdom, of which the certificates of title are lying in the United Kingdom in Swiss names but are in fact the property of German nationals, the custodial Authorities in the United Kingdom understand that the Swiss Compensation Office intend to waive the

/assertion ...

Son Excellence

Monsieur Walter Stücki,
Département Politique Fédéral.



assertion of any claim on their part. Equally it is the intention of the custodial Authorities in the United Kingdom to waive the assertion of any claim to securities issued by governments of third countries or enterprises organised under their laws lying in the United Kingdom which are the property of enterprises organised under the laws of Switzerland, and owned or controlled by German nationals, except the Potash bonds of Henkel & Co. A.G. These waivers would of course be without prejudice to whatever rights other persons may be in a position to assert.

4. The custodial Authorities in the United Kingdom make no claim on any property in the United Kingdom which belongs to enterprises organised under the laws of Switzerland which were not on, or any time after, 3rd September 1939, owned or controlled by German nationals.

5. The companies listed in the annex to this letter are believed to be the only enterprises organised under the laws of Switzerland which come within the sphere of responsibility of the Swiss Compensation Office and have property in the United Kingdom; their property will be divided between the Swiss Compensation Office and the custodial Authorities in the United Kingdom in the proportions of five to seven. The shareholding of Scintilla A.G. in Scintilla Ltd. will be treated as a matter of procedure as an asset of the parent company. Nevertheless, it may be that at a later date cases will be discovered within that sphere which have not been included in the list, in which case the appropriate

/authorities ...



authorities will consult together with a view to settlement on the above lines. The same course as to consultation will be followed if new facts are discovered materially affecting the question of the German control of the companies.

6. In article 9 of the Inter-Custodial Agreement the words "Swiss interests" will be interpreted as covering those of persons ordinarily resident or carrying on business in Switzerland and the words "United Kingdom interests" as covering those of persons ordinarily resident or carrying on business in the United Kingdom.

Yours sincerely,

Patrick Levens



A.G. für Aetherische Oele, Glarus

A.G. für in- und ausländische Werke, Schaffhausen

A.G. für Unternehmungen der Uhrenindustrie, Zürich

{ Albiswerk Zürich A.G., Zürich

{ Bergwerks Industrie und Handelsgesellschaft A.G., Glarus

{ Siemens Elektrizitätserzeugnisse A.G., Zürich

Celluloidwarenfabrik Zollikofen A.G., Zollikofen

Chromographie A.G., Glarus

Fibroplast A.G., Schaffhausen

Galvanocor A.G., Lucerne

Gütermann's Nähseiden A.G., Zürich

Hartmann Gebr. A.G., Zürich

Henkel & Co., A.G., Basel

Irion A.G., Basel

Kaiser's Kaffeegeschäft A.G., Basel

T. Kaiser S.A., Liestal

Knoll & Co., A.G., Liestal

Licht A.G., Vereinigte Glühlampenfabriken, Goldau

Osa Industrielle Beteiligungen A.G., Schaffhausen

Röchling & Co. A.G., Basel

Rotula S.A., Zürich

Rubber Investment A.G., Zürich

Schenkens Unternehmungen A.G., Zürich

Scintilla A.G., Solothurn

Seiden-Textil A.G., Zürich

Tortosia A.G., Zürich

Unichem Chemikalien Handelsgesellschaft A.G., Zürich

Union Rückversicherungs-Gesellschaft, Zürich

Vereinigte Edelstahl A.G., Glarus.

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