

AGREEMENT BETWEEN THE GOVERNMENT
OF THE POLISH PEOPLE'S REPUBLIC AND
THE GOVERNMENT OF THE UNITED STATES OF AMERICA
REGARDING CLAIMS OF NATIONALS OF THE UNITED STATES

The Government of the Polish People's Republic and the
Government of the United States of America desiring to effect a
settlement of claims of nationals of the United States against Poland
and desiring to advance economic relations between the two countries,
Have agreed as follows:

ARTICLE I

A. The Government of the Polish People's Republic, hereinafter referred to as the Government of Poland, agrees to pay, and the Government of the United States agrees to accept, the sum of \$40,000,000.00 United States currency in full settlement and discharge of all claims of nationals of the United States, whether natural or juridical persons, against the Government of Poland on account of the nationalization and other taking by Poland of property and of rights and interests in and with respect to property, which occurred on or before the entry into force of this Agreement.

B. Payment of the sum of \$40,000,000.00 by the Government of Poland shall be made to the Secretary of State of the United States in twenty annual installments of \$2,000,000.00 United States currency, each installment to be paid on the tenth day of January, commencing on the tenth day of January 1961.

ARTICLE II

Claims to which reference is made in Article I and which are settled and discharged by this Agreement are claims of nationals of the United States for

- (a) the nationalization or other taking by Poland of property and of rights and interests in and with respect to property;
- (b) the appropriation or the loss of use or enjoyment of property under Polish laws, decrees or other measures limiting or restricting rights and interests in and with respect to property, it being understood that, for the purpose of this clause, the date of appropriation or the loss of use or enjoyment is the date

on which such Polish laws, decrees or other measures were first applied to the property; and

- (c) debts owed by enterprises which have been nationalized or taken by Poland and debts which were a charge upon property which has been nationalized, appropriated or otherwise taken by Poland.

ARTICLE III

The amount paid to the Government of the United States under Article I of this Agreement shall be distributed in such manner and in accordance with such methods of distribution as may be adopted by the Government of the United States.

ARTICLE IV

After the entry into force of this Agreement the Government of the United States will neither present to the Government of Poland nor espouse claims of nationals of the United States against the Government of Poland to which reference is made in Article I of this Agreement. In the event that such claims are presented directly by nationals of the United States to the Government of Poland, the Government of Poland will refer them to the Government of the United States.

ARTICLE V

A. With a view to assisting the Government of the United States in its distribution among claimants of the sum to be paid by the Government of Poland, the Government of Poland will, upon the request of the Government of the United States, furnish such information or evidence, including details as to ownership and value of property and rights and interests in and with respect to property,

as may be necessary or appropriate for that purpose and, in the event that such information or evidence is deemed insufficient, permit examination by representatives of the Government of the United States, to the extent allowed by Polish laws, of property which it is claimed has been nationalized or taken by Poland.

B. With a view to protecting the Government of Poland from the possible assertion through third countries, or otherwise, of claims settled by this Agreement, the Government of the United States will furnish to the Government of Poland copies of such formal statements of claims as may be made by claimants and copies of decisions with respect to the validity and amounts of claims.

C. With respect to each claim found to be valid by the Government of the United States, the Government of the United States will furnish to the Government of Poland original documents of title pertaining to the property nationalized or taken by Poland by which the claim was established, including securities of juridical persons owned by the claimant if all of the property of such juridical persons has been nationalized or taken by Poland. In the event that a claim is not based on such documents, the Government of the United States will furnish to the Government of Poland a release signed by the claimant.

D. Each Government will furnish to the other the information or render the assistance referred to in paragraphs A, B and C of this Article in accordance with procedures to be agreed upon by the two Governments.

ARTICLE VI

Within thirty days after the entry into force of this Agreement, the Government of the United States will release its blocking controls over all Polish property in the United States.

ARTICLE VII

The Annex to this Agreement is an integral part of this Agreement.

ARTICLE VIII

The present Agreement shall enter into force on the date of signature.

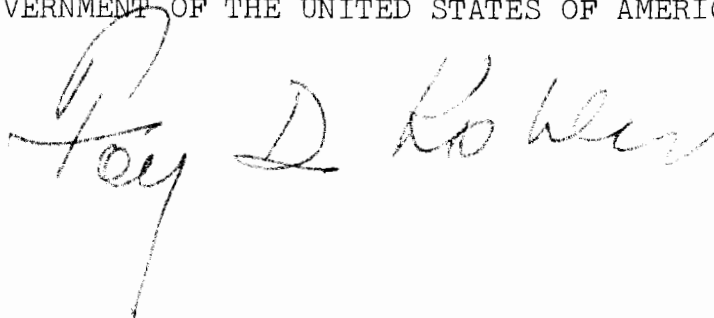
IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

DONE at Washington, in duplicate, in the Polish and English languages, both equally authentic, this 16th day of July 1960.

FOR THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC:

A handwritten signature in cursive script, appearing to read "J. Rakowski".

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

A handwritten signature in cursive script, appearing to read "Roy D. Kohler".

ANNEX

A. For the purpose of distribution by the Government of the United States of the sum to be paid by the Government of Poland "claims of nationals of the United States" are rights and interests in and with respect to property nationalized, appropriated or otherwise taken by Poland which, from the date of such nationalization, appropriation or other taking to the date of entry into force of this Agreement, have been continuously owned, subject to the provisions of paragraphs B and C of this Annex,

- (a) directly by natural persons who were nationals of the United States;
- (b) directly by juridical persons organized under the laws of the United States or of a constituent State or other political entity thereof, of which fifty per cent or more of the outstanding capital stock or proprietary interest was owned by nationals of the United States;
- (c) directly by juridical persons organized under the laws of the United States or of a constituent State or other political entity thereof, of which fifty per cent or more of the outstanding capital stock or proprietary interest was owned by natural persons who were nationals of the United States, directly, or indirectly through interests in one or more juridical persons of any nationality;
- (d) indirectly by natural persons who were nationals of the United States or by juridical persons organized under the laws of the United States or of a constituent State or other political entity thereof, through

interests in juridical persons organized under the laws of the United States or of a constituent State or other political entity thereof which are not included within category (b) or (c) above;

- (e) indirectly by persons within category (a), (b) or (c) above through ownership of capital stock or direct proprietary interests in juridical persons organized under the laws of Poland, any part of whose property has been taken by Poland, or in juridical persons organized under the laws of Germany, a major part of whose property has been taken by Poland;
- (f) indirectly by persons within category (d) above through ownership by juridical persons to which reference is made in the last clause thereof, of capital stock or direct proprietary interests in juridical persons organized under the laws of Poland, any part of whose property has been taken by Poland or in juridical persons organized under the laws of Germany, a major part of whose property has been taken by Poland and which have ceased their activities; or
- (g) indirectly by persons within category (a), (b), (c) or (d) above through interests which collectively are substantial in amount, through any number of juridical persons organized under the laws of any country, a substantial part of whose property has been taken by Poland, excepting, however, interests which are compensable through any other international agreement to which Poland is a party.

B. Juridical persons organized under the laws of the United States or of a constituent State or other political entity thereof which have been reorganized through judicial proceedings after their property or rights and interests in and with respect to property were nationalized or taken by Poland shall participate in the sum to be paid by the Government of Poland only to the extent that the outstanding capital stock or proprietary interest in such juridical persons was owned, at the time of such nationalization or other taking, by natural persons who were nationals of the United States, directly, or indirectly through interests in one or more juridical persons organized under the laws of the United States or of a constituent State or other political entity thereof.

C. Claims based in whole or in part on property acquired after the application of discriminatory German measures depriving or restricting rights of owners of such property shall participate in the sum to be paid by the Government of Poland only for the parts of such claims which are not based upon property acquired under such circumstances.

P R O T O C O L

With reference to carrying out the provisions of Article 5 of the Agreement between the Governments of the Peoples Republic of Poland and the United States regarding claims of United States nationals entered into at Washington on July 16, 1960, representatives of the Ministry of Finance of Poland and the Government of the United States met in Warsaw, Poland and mutually agreed upon the following points:

1. The Government of the United States in order to fulfill the provisions of Article 5 of the Claims Agreement will designate a special representative and alternate who will be attached to the Embassy of the United States as diplomatic officials responsible to the United States Ambassador.

2. a. The United States representative will serve as a liaison officer between the Foreign Claims Settlement Commission of the United States and the Ministry of Finance of the Polish Peoples Republic hereinafter called the Polish representative who will furnish information provided for in Article 5 of the Claims Agreement.

b. The United States representative, carrying out his functions with the assistance of an adequate staff, also being members of the Embassy staff designated for this purpose, shall address written requests to the Ministry of Finance of Poland and/or its designated agents and otherwise maintain liaison for information necessary to verify or refute claims under the above mentioned agreement.

3. a. The functions of the United States representative shall last as long as necessary to carry out the provisions of Article 5, but in the event

the Congress of the United States places a time limitation upon the Foreign Claims Settlement Commission, within which the claims program must be completed, the Ministry of Finance agrees to the extent possible to cooperate with the Foreign Claims Settlement Commission for the purpose of assisting the Commission to meet its responsibilities.

b. The Ministry of Finance of Poland has offered and agreed to furnish the required information based upon existing documents and other available data within a time no longer than six /6/ months after the receipt of requests for such information. Each request shall specify the information required by the Foreign Claims Settlement Commission to establish the title, status and value of the property upon which the claim is based.

4. a. To assist the Foreign Claims Settlement Commission in the evaluation of small urban and rural properties, the Polish representative will inform the United States representative of the pre-war prices of arable and forest land of various classes for the different regions of the country, the prices of urban lots and of typical urban and rural dwellings, and estimates of the pre-war value of typical small industrial and commercial enterprises, handicrafts, etc., based upon insurance evaluations and other available data.

If owing to special circumstances, the evaluation in the manner indicated of a specific property of the type mentioned above is insufficient for the purposes of the Foreign Claims Settlement Commission, the Polish representative will furnish all available data pertaining to the pre-war value of such specific property.

b. Upon request by the United States representative the Polish representative will furnish an evaluation of nationalized properties as established by Polish authorities at the date of taking over of the property.

c. The Polish representative will furnish when available, through its agents information as to the extent and degree of damage suffered by the property concerned, as a consequence of war and enemy occupation.

5. It is agreed that inspections and investigations on-the-spot shall take place if the information furnished according to paragraphs 3 and 4 above is deemed insufficient by the Foreign Claims Settlement Commission to establish facts necessary to a determination of the claim concerned. The procedure in such cases will be as follows:

a. the United States representative will submit a written request for an investigation on-the-spot to the Polish representative indicating the facts which such investigation seeks to establish.

b. within a time no longer than one month after the receipt of such request, the Polish representative will arrange with the United States representative the scope and time of such investigation or will provide such additional records, information and data concerning the case as may, in the judgement of the Foreign Claims Settlement Commission, make such investigation unnecessary.

c. a Polish representative will accompany the United States representatives when inspections and investigations are carried out.

d. the Polish representative will inform the United States representative if the specific investigation requested can not be carried

out because of the prohibitions of Polish law.

6. The United States representative will deliver to the Polish representative a copy of each claim filed within the time limits fixed by the Foreign Claims Settlement Commission under the law of the United States as well as a copy of each final decision of the Foreign Claims Settlement Commission on timely filed claims under the Polish Claims Agreement.

7. The United States representative will also deliver the following documents to the Polish representative:

a. the securities of juridical persons owned by claimants receiving awards based upon the nationalization or other taking by Poland of the total property of such juridical persons.

b. notarized releases signed by claimants transferring to the Polish state their rights based upon interests in limited liability corporations or the like, which are not represented by shares, and rights based upon the appropriation or loss of use or enjoyment of property in Poland when claimants receive awards based upon such rights.

c. notarized releases signed by claimants receiving awards based upon debts owed by enterprises which have been nationalized or taken by Poland, and based upon debts which were a charge upon property which has been nationalized, appropriated or otherwise taken by Poland.

8. The Foreign Claims Settlement Commission agrees to pay the cost incurred by the Ministry of Finance for certified or photostatic copies of official documents or records or for special services of Polish engineers,

architects, and other technicians when such services are requested by the United States representative.

Signed at Warsaw *November 29th*, 1960, in duplicate, in the Polish and English languages both equally authentic.

A large, stylized handwritten signature in black ink, appearing to read 'M. K. ...'.

J. K. ...