

AUSTRIA



Treaty Series No. 20 (1972)

Protocol

amending the Convention between the
United Kingdom of Great Britain and Northern Ireland
and the Republic of Austria providing for the
Reciprocal Recognition and Enforcement of Judgments
in Civil and Commercial Matters, signed at Vienna
on 14th July 1961

London, 6 March 1970

[Instruments of ratification were exchanged on 24 November 1971 and the Protocol entered into force on 24 December 1971]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
March 1972*

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PROTOCOL
AMENDING THE CONVENTION BETWEEN THE REPUBLIC OF
AUSTRIA AND THE UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND PROVIDING FOR THE RECIPROCAL
RECOGNITION AND ENFORCEMENT OF JUDGMENTS IN CIVIL
AND COMMERCIAL MATTERS, SIGNED AT VIENNA ON
14th JULY, 1961

Her Majesty The Queen of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories, Head of the Commonwealth (hereinafter referred to as "Her Britannic Majesty") and the Federal President of the Republic of Austria;

Desiring to amend the Convention between the United Kingdom of Great Britain and Northern Ireland and the Republic of Austria providing for the Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters signed by the High Contracting Parties at Vienna on 14th July, 1961 (hereinafter referred to as "the Convention");⁽¹⁾

Have resolved to conclude a Protocol for that purpose, and to that end have appointed as their Plenipotentiaries:

Her Britannic Majesty:

For the United Kingdom of Great Britain and Northern Ireland:

The Right Honourable George Morgan Thomson, M.P., Chancellor
of the Duchy and County Palatine of Lancaster;

The Federal President of the Republic of Austria:

For the Republic of Austria:

His Excellency Dr. Josef A. Schöner, Ambassador Extraordinary
and Plenipotentiary of the Republic of Austria in London;

Who, having communicated to each other their respective Full Powers, found in good and due form, have agreed as follows:

(1) Treaty Series No. 70 (1962), Cmnd. 1868.

ARTICLE I

A new paragraph shall be added to Article II of the Convention, as follows:

“(3) For the time being and until the Convention on Third Party Liability in the Field of Nuclear Energy signed at Paris on 29th July, 1960, as amended by the Additional Protocol signed at Paris on 28th January, 1964,⁽²⁾ shall have entered into force as between the United Kingdom of Great Britain and Northern Ireland and the Republic of Austria, neither of the High Contracting Parties shall be obliged to enforce judgments given in respect of injury or damage resulting from a nuclear incident. The meaning of the term “nuclear incident” or, alternatively, what constitutes a nuclear incident shall be determined by the law of the territory in which it is sought to enforce the judgment or with reference to the terms of any Convention in force in that territory.”

ARTICLE 2

The present Protocol shall be subject to ratification. Instruments of ratification shall be exchanged in Vienna. The Protocol shall enter into force⁽³⁾ one month after the date on which the instruments of ratification are exchanged and shall thereupon form an integral part of the Convention. It shall cease to be in force from the date the Paris Convention on Third Party Liability in the Field of Nuclear Energy as amended by the aforementioned Additional Protocol enters into force as between the High Contracting Parties.

⁽²⁾ Treaty Series No. 69 (1968), Cmnd. 3755.

⁽³⁾ The Protocol entered into force on 24 December 1971.

In witness whereof the above-named Plenipotentiaries have signed the present Protocol.

Zu Urkund dessen haben die obgenannten Bevollmächtigten dieses Protokoll unterzeichnet.

Done in duplicate at London this 6th day of March, 1970, in the English and German languages, both texts being equally authoritative.

Geschehen zu London in zwei Urschriften am 6. März 1970, in englischer und deutscher Sprache, wobei beide Texte in gleicher Weise authentisch sind.

For Her Britannic Majesty:

Für Ihre Britannische Majestät:

G. M. THOMSON

For the Federal President of the Republic of Austria:

Für den Bundespräsidenten der Republik Österreich:

JOSEF A. SCHÖNER