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 Type: Order  
 Full Title: *Case Concerning the Factory at Chorzów (Indemnities)*  
 Requested by: Application of the German Government  
 Party(ies): Germany vs. Poland  
 Dated: December 15, 1928  
 Initiated:<sup>1</sup> February 8<sup>th</sup>, 1927  
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<sup>1</sup> date when the request for an advisory opinion or application was filed with the court Registry

[14] Annex

Order made on December 15, 1928

The President of the Permanent Court of International Justice,  
Having regard to Articles 48 and 50 of the Statute of the Court;  
Having regard to Judgment No.13 given on September 13th, 1928, by the Court in the case relating to the factory at Chorzów (indemnities);

Having regard to an Order of Court issued on September 13th, 1928, ordering that an expert enquiry should be held;

Having regard to an Order by the President of the Court dated October 16th, 1928, nominating Messrs. Collett, Herzog and Hoey as experts for the enquiry in question;

Having regard to an Order by the President of the Court dated November 14th, 1928, fixing the time within which the Committee of Experts set up under the Order of Court of September 13th, 1928, should file its report;

Whereas by a letter of December 6th, 1928, the Agent for the German Government in the case in question informed the Registrar of the Court, with reference to Article 61 of the Rules, that "the Parties to the Chorzów factory case have concluded an agreement regarding the settlement of this dispute";

And whereas a communication in the same terms was made to the Registrar by letter dated December 13th, 1928, from the Agent for the Polish Government in the said case;

And whereas copies of the documents embodying the conditions of the settlement on which the Parties are agreed - namely, an agreement concluded on November 12th, 1928, between the Polish Government of the one part and the Bayerische Stickstoffwerke A.-G. and the Oberschlesische Stickstoffwerke A.-G., represented by Professor Dr. Care, of the other part, as also the notes exchanged on November 27th, 1928, between the Polish Minister for Foreign Affairs and the German Minister to Warsaw - have been communicated to the Court by the Agent for the German Government; and whereas the Agent for the Polish Government has referred to the documents thus filed, documents copies of which have been placed at his disposal

And whereas in accordance with the terms of the notes thus exchanged it has been agreed

between the Parties that "the Application now pending before the Permanent Court of International Justice at The Hague in the Chorzów case shall be withdrawn as having no further purpose"; and whereas, therefore, the agreement concluded must be considered as settling the whole of the dispute submitted to the Court on February 8th, 1927, by the German Government;

And whereas, since written notice of the agreement concluded between the Parties was given to the Court before the close of the proceedings, it remains for the Court under Article 61 of the Rules merely to record officially the conclusion of the agreement;

And whereas, accordingly, the proceedings by the expert enquiry ordered to be held under the terms of the judgment and Order of September 13th, 1928, have likewise ceased to fulfil any further purpose; and that consequently these proceedings should be brought to an end;

*Decides:*

(1) The expert enquiry ordered to be held in the case concerning the factory at Chorzów (indemnities), in conformity with the judgment and the Order given by the Court on September 13th, 1928, is terminated.

(2) The Expert Committee set up in the manner defined in the Orders given by the President of the Court on October 16th and November 14th, 1928, is dissolved.

(3) Copy of the present Order shall be forwarded to the Members of the Committee of Experts.

Done in French and English, the French text being authoritative, at the Peace Palace, The Hague, this fifteenth day of December, one thousand nine hundred and twenty-eight, in three copies, one of which is to be placed in the archives of the Court, and the others to be forwarded to the Agents of the German and Polish Governments respectively.

*(Signed)* D. ANZILOTTI,  
President.

*(Signed)* A. HAMMARSKJOLD,  
Registrar.