

No. 1910

**BELGIUM
and
LUXEMBOURG**

**Exchange of letters constituting an agreement on reciprocal
reparation for war damages to private property.
Luxembourg, 26 September 1952**

Official text: French.

Registered by Belgium on 17 October 1952.

**BELGIQUE
et
LUXEMBOURG**

**Échange de lettres constituant un accord en matière d'in-
demnisation réciproque des dommages de guerre aux
biens privés. Luxembourg, 26 septembre 1952**

Texte officiel français.

Enregistré par la Belgique le 17 octobre 1952.

[TRANSLATION — TRADUCTION]

No. 1910. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT¹ BETWEEN BELGIUM AND LUXEMBOURG ON RECIPROCAL REPARATION FOR WAR DAMAGES TO PRIVATE PROPERTY. LUXEMBOURG, 26 SEPTEMBER 1952

I

BELGIAN LEGATION

No. 3181.D.6024.

Luxembourg, 26 September 1952

Your Excellency,

At the negotiations just held between our Governments for the purpose of concluding a Convention on reciprocal reparation for war damages to private property, the following provisions were agreed upon :

Article 1. 1. The acts, orders and regulations of Belgium on reparation for war damages to private property shall apply to war damage caused in Belgium to material property movable and immovable which, at the time of damage, belonged to natural persons or legal entities of Luxembourg nationality both at that time and on 10 November 1947.

This shall also apply to any person who had Luxembourg nationality on only one of those dates, and who, on the other, was a national of Belgium, Great Britain, Canada or the United States of America.

Article 11 of the Act of 1 October 1947 shall, however, apply to persons recognized in Belgium as political prisoners of Luxembourg nationality only if they resided in Belgium on 10 May 1940, if they were arrested in Belgium and if they are not eligible for compensation for the same damage by the Grand Duchy of Luxembourg.

2. Under this Agreement, for the purposes of the last paragraph of article 3, paragraph 3, of the Belgian Act of 1 October 1947, at least one-half of the capital of Belgian companies damaged in Belgium must have belonged continuously from the time of damage to 10 November 1947 either to Luxembourg nationals or jointly to nationals of the Grand Duchy of Luxembourg and of Belgium or Great Britain or Canada or the United States of America.

The same rule shall apply *mutatis mutandis* to the nationality of members or non-profit associations.

¹ Came into force on 1 October 1952, in accordance with the provisions of article 9. This Agreement applies to the territories of the Belgian Congo and Ruanda-Urundi.

3. The date 10 November 1947 referred to in paragraphs 1 and 2 above shall be replaced by that of the decease of the natural person concerned should he have died prior to that date, and by the date of the dissolution of the legal entity should such dissolution have been effected before 10 November 1947.

Article 2. 1. Subject to the provisions of paragraphs 3, 4 and 5 hereafter :

(1) The acts, orders and regulations of Luxembourg on reparation for war damages to private property, with the exception of titles II and III of the Luxembourg Act of 25 February 1950, shall apply to war damage caused in the Grand Duchy of Luxembourg to material property, movable and immovable, belonging, at the date of damage, to natural persons or legal entities of Belgian nationality on that date.

(2) Belgian participation in the registered capital of legal entities of Luxembourg nationality shall be treated in the same way as Luxembourg participation, for the purposes, *inter alia*, of article 3 of the Luxembourg Act of 25 February 1950.

For the purpose of this Agreement "Belgian nationals" shall be taken to mean citizen of Belgium, Belgian subjects in the Belgian Congo and nationals of Ruanda-Urundi.

2. In cases where the right to reparation is transferred, surrendered or divided, and, more generally, in all cases covered by article 14 of the aforesaid Act of 25 February 1952, Belgian nationals shall be treated in the same way as Luxembourg nationals.

3. By analogy with the principle established by the Belgian Act of 1 October 1947, the amount of reparation to be paid by the Grand Duchy of Luxembourg, on the one hand, to companies established under Belgian law having one or more operating centres in the Grand Duchy of Luxembourg in respect of damage sustained in the Grand Duchy by property belonging to one of these centres and, on the other, to companies established under Luxembourg law in respect of the Belgian participation in the registered capital of such companies, shall be reduced by an amount proportionate to the assets of the said companies.

The amount of the deduction shall in all cases be 15 per cent of the company's capital, less a reduction proportionate to Belgian participation in companies established under Luxembourg law, and shall be subject, in the Grand Duchy of Luxembourg, to the special tax on capital levied under the Act of 8 July 1946.

4. In the case of the companies established under Belgian law mentioned in paragraph 3 above, the deduction specified shall, however, be reduced by an amount corresponding to the difference between the total reparation calculated, after allowing for deterioration, on the basis of the factors in force in Belgium for assessing total reparation, and the amount of reparation actually disbursed or to be disbursed, under Belgian legislation, for the damage sustained in Belgium.

5. The total amount of reparation to be granted by the Grand Duchy of Luxembourg to the companies established under Belgian law and covered by paragraph 3 by virtue of the preceding provisions may not exceed 22 million Luxembourg francs. Should the figure exceed this amount, the amount of reparation shall be reduced proportionately.

Article 3. Subject to the provisions of article 2, paragraphs 3, 4 and 5, under Belgian law, companies of Luxembourg nationality and, under Luxembourg law, companies of Belgian nationality shall be treated as natural persons.

Article 4. Subject to the application by each country concerned of its own provisions with respect to exclusion on grounds of disloyalty :

(1) Belgian nationals who were not entitled to reparation in Belgium under article 5 of the Belgian Act of 1 October 1947 shall not be eligible for the relevant benefits under Luxembourg law;

(2) Luxembourg nationals who were not entitled to reparation in the Grand Duchy of Luxembourg under article 12 of the Luxembourg Act of 25 February 1950 shall likewise not be eligible for the relevant benefits under Belgian law.

Article 5. This Agreement shall not apply to war damage sustained by ships and boats, including their tackle and navigating equipment. It shall, however, apply to freight, furniture and the personal effects of sailors, seamen and passengers.

Article 6. Persons who, as a result of acts of war, were evacuated to or took refuge in the territory of the other country and sustained war damage therein shall be considered as if they has sustained damage in their own country.

Article 7. Reparation for damage caused to goods, parcels or other movable property in transit shall be paid by the country in which the damage took place. Should it be impossible to establish with certainty the place of damage, the damage shall be deemed to have occurred at the point of despatch.

Article 8. The two Governments undertake to provide each other with all necessary assistance in executing this Agreement.

The competent Ministers of the two countries, or their deputies, shall keep each other informed about the implementation of this Agreement and shall settle by mutual agreement any difficulties or disputes which may arise.

Article 9. This Agreement shall enter into force on 1 October 1952.

Article 10. Under penalty of estoppel, the damages to which this Agreement applies shall, unless this formality has already been complied with, be declared to the competent authorities before 31 December 1952 in accordance with the established procedure of each country.

I am authorized to state that, if the foregoing provisions meet with the approval of the Luxembourg Government, this note and your esteemed reply similarly worded shall constitute an agreement between our two Governments.

I have the honour to be, etc.

(Signed) BERRYER
Belgian Minister

His Excellency Mr. Joseph Bech
Honorary Minister of State
Ministry of Foreign Affairs
Luxembourg

II

MINISTRY OF FOREIGN AFFAIRS

14.30.1

Luxembourg, 26 September 1952

Your Excellency,

I have the honour to acknowledge receipt of the following note of today's date which you kindly addressed to me :

[See letter I]

I have the honour to confirm that your note and this reply constitute an agreement between our two Governments.

I have the honour to be, etc.

(Signed) JOS. BECH

His Excellency Viscount Berryer
Belgian Minister
Luxembourg