

**No. 2590**

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**BELGIUM  
and  
FRANCE**

**Exchange of letters constituting an agreement regarding  
compensation for war damage. Paris, 11 March 1953**

**Exchange of letters constituting an agreement prolonging  
the above-mentioned Agreement. Brussels, 18 and  
24 December 1953**

*Official texts: French.*

*Registered by Belgium on 28 June 1954.*

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**BELGIQUE  
et  
FRANCE**

**Échange de lettres constituant un accord concernant la  
réparation des dommages de guerre. Paris, 11 mars 1953**

**Échange de lettres constituant un accord de prorogation de  
l'Accord susmentionné. Bruxelles, 18 et 24 décembre  
1953**

*Textes officiels français.*

*Enregistrés par la Belgique le 28 juin 1954.*

[TRANSLATION — TRADUCTION]

No. 2590. EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN BELGIUM AND FRANCE REGARDING COMPENSATION FOR WAR DAMAGE. PARIS, 11 MARCH 1953

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I

LIBERTY — EQUALITY — FRATERNITY

FRENCH REPUBLIC

MINISTRY OF FOREIGN AFFAIRS

Economic and Financial Affairs Department

Paris, 11 March 1953

Your Excellency,

With reference to the conversations held at Brussels and Paris between representatives of the Belgian and French Governments with a view to regulating the compensation of damages sustained during the Second World War by Belgian nationals, companies and associations in France, and by French nationals, companies and associations in Belgium, I have the honour to inform you that the French Government is prepared to accept the following provisions :

*Article 1*

The Belgian Government shall grant to French individuals and bodies corporate whose property was destroyed or damaged by warfare on the territory of Belgium, compensation equal to that given to Belgian nationals for similar losses under the Belgian Act of 1 October 1947 concerning Compensation for War Damage to Private Property.

The benefits of this Agreement shall be available to :

1. Individuals who has the status of French nationals both on the date the damage was sustained and on 10 November 1947.

The benefits of this Agreement shall also be open to individuals who had the status of French nationals on only one of the two dates, and the status of Belgian nationals on the other.

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<sup>1</sup> Came into force on 11 March 1953 by the exchange of the said letters. This Agreement is not applicable to the territories of the Belgian Congo and Ruanda-Urundi.

In the case of persons deceased before the entry into force of the Act of 1 October 1947, the nationality requirement must be applied with respect to the day the damage was sustained and the day of their decease.

2. Bodies corporate having their head office in France or Belgium, provided that they are formed under French or Belgian law and, in accordance with article 3 (3) of the Act of 1 October 1947, the majority of the capital is held by, or the majority of the owners consists of, either French nationals, or French and Belgian nationals conjointly.

Article 11 of the Act of 1 October 1947 shall be applicable to French nationals who, with respect to Belgian law, meet the requirements laid down in the said article, were residents of Belgium on 10 May 1940, were detained in Belgium and are not eligible for compensation by France for the same damages.

For the purposes of this Agreement, "French nationals" means individuals having French nationality or the status of nationals of the French Union.

#### *Article 2*

##### Paragraph 1

The French Government shall grant to Belgian individuals or bodies corporate whose property was destroyed or damaged by warfare on French metropolitan territory, compensation in keeping with the French Act of 28 October 1946 on War Damages.

The benefits of this Agreement shall be available, with the exception of the Belgian State and the public railways, to :

1. Individuals, other than those indicated in article 10 (4) of the Act of 28 October 1946, who had the status of Belgian nationals on the day the damage was sustained;
2. Bodies corporate having their head office in Belgium or France, provided that they are formed under French or Belgian law and, in accordance with article 11 of the Act of 28 October 1946, the majority of the owners, directors, or administrators consists of, and the majority of the capital is held by, Belgian nationals, or Belgian and French nationals conjointly.

For the purposes of this Agreement "Belgian nationals" means Belgian citizens, Belgian subjects of the Belgian Congo and nationals of Ruanda-Urundi.

However, the benefits of these provisions shall not be granted to persons who, with the consent of the competent authorities and under the circumstances described in article 10 (5) of the Act of 28 October 1946, disposed of their damaged property prior to the entry into force of this Agreement.

##### Paragraph 2

- (a) The indemnities and loans awarded by France for damage to property, other than movable property for current or household uses, shall be computed in conformity

with French legislation, except that the resulting figures in terms of 1939 values shall be subject to the following deductions :

- dwellings or living quarters, except buildings not used by their owners as a principal dwelling and dwellings owned by industrial or commercial firms or their branches :
  
- for that portion of the damage that is less than one million francs, in terms of 1939 values . . . . . 30%
- for that portion of the damage that is more than one million francs, in terms of 1939 values . . . . . 50%
- boats engaged in inland shipping owned by individuals . . . . . 50%
  
- dwellings not used by their owners as a principal dwelling . . . . . 65%
  
- farm buildings . . . . . 75%
- industrial or commercial buildings and dwellings owned by industrial or commercial firms or their branches; vessels engaged in inland shipping owned by bodies corporate; and any other property . . . . . 90%

The indemnity so computed in terms of 1939 values shall be recalculated in the light of prices prevailing at the time the damaged property was restored, and the whole of the costs shall be reckoned in chronological order.

A dwelling used only incidentally for other purposes and, in any case, the part of a farm that is used as a dwelling shall be deemed to be dwellings.

The percentage of the indemnity on which payment is deferred under article 4 of the Act of 28 October 1946 shall be applied to the indemnity as computed under this Agreement.

(b) Indemnities for the restoration of movable property for current or household uses, to be paid by France under this Agreement, shall be computed on a contractual basis to be established by a supplement to this Agreement before 31 March 1954.

### *Article 3*

The following are not included in the scope of this Agreement :

1. Damage caused by French, Belgian or allied troops, or their services by actions other than military operations. However, damage resulting from preventive defence measures taken after 2 September 1939 is not excluded by this provision.
  
2. Damage to vessels and fishing boats, including everything on board such shipping.
  
3. Damage sustained by the Belgian Government or a Belgian national as a result of the seizure, requisition, possession or angary of a Belgian vessel or cargo by French authorities during hostilities, such damage being the subject of the Franco-Belgian arrangement of 7 August 1952.

4. Damage covered by the Franco-Belgian arrangement of 30 October 1945<sup>1</sup> for the settlement of certain Belgian claims on the French Army and certain French claims on the Belgian Army which originated during the war owing to the presence of French troops in Belgium and of Belgian troops in France, which arrangement was expanded by a supplement agreed to in an exchange of notes dated Brussels, 10 November and 8 December 1946.<sup>1</sup>

5. Damage to boats engaged in inland shipping on French metropolitan territory if such boats belonged to Belgians resident in Belgium and were temporarily in France on the day they were damaged, and damage in Belgium to boats engaged in inland shipping if such boats belonged to French nationals resident in France and were temporarily in Belgium on the day they were damaged.

The engines, tackle, any other operating equipment, and furnishings for the use of the crew of such boats shall be similarly excluded.

6. Damage to which reference is made in the French Act of 23 April 1949, to the extent that it is not already covered by the Act of 28 October 1946.

7. Damage to property which, from 10 May 1940 onwards, was, for fear of hostilities, temporarily removed from one of the countries concerned to the other, or was brought to one of those countries by refugees living in the other.

#### *Article 4*

Compensation for damage to merchandise, packages or other movable goods in transit shall be made by the country where the damage occurred, but if the place where the damage occurred cannot be accurately determined, it shall be deemed to have occurred at the place of departure.

#### *Article 5*

Persons who have sustained damage to their property, or their heirs, may subject to exchange regulations in force at the time funds are transferred, apply their compensation to the restoration of their property in the country of which they are nationals. Exercise of this option may not affect in any way the amount of compensation due to such persons under this Agreement.

#### *Article 6*

Under the provisions of articles 1 and 2 above, the Belgian and French Governments undertake to treat the beneficiaries of this Agreement as their own nationals.

Every six months the Belgian Government shall transmit to the French Government and the French Government shall transmit to the Belgian Government a statement of the payments made in favour of nationals of the other country, which statement shall include the names and addresses of the beneficiaries as well as a description of the damage sustained. All files may be consulted on the request of either Government.

<sup>1</sup> United Nations, *Treaty Series*, Vol. 19, p. 87, and Vol. 51, p. 326.

The two Governments shall seek to settle amicably any difficulties that may arise in the application of the Agreement. Such difficulties may, moreover, be submitted to the Joint Commission described in article 7 below.

The procedure laid down in the foregoing paragraph may not interfere in any way with the right of persons who have sustained damage to their property to lodge appeals from administrative decisions as provided for in Belgian or French legislation relating to war damage.

#### *Article 7*

A joint commission shall be established to settle at the administrative level problems arising from the application of this Agreement.

This commission shall consist :

—on the Belgian side :

of one representative of the Minister of Foreign Affairs,  
and two representatives of the Minister of Reconstruction;

—on the French side :

of one representative of the Minister of Foreign Affairs,  
one representative of the Minister of Reconstruction,  
and one representative of the Minister of Finance.

#### *Article 8*

This Agreement shall come into force on 11 March 1953.

#### *Article 9*

Unless a formal declaration of the damages to which this covenant refers has been made to the competent authorities in the manner appropriate to each country, such declaration shall be made, on penalty of forfeiture of rights, not later than 1 October 1953.

If these provisions are acceptable to the Belgian Government, I have the honour to propose that the present letter and your reply should constitute an agreement between our two Governments which shall come into force from the date specified above.

I have the honour to be, etc.

(Signed) Maurice SCHUMANN

His Excellency Baron Jules Guillaume  
Ambassador of Belgium  
Paris

## II

Paris, 11 March 1953

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Your Excellency,

I have the honour to acknowledge receipt of your letter of 11 March 1953 in the following terms :

[*See letter I*]

I am authorized to signify the Belgian Government's acceptance of the provisions set forth in that letter.

I have the honour to be, etc.

For the Ambassador :  
(*Signed*) Illegible

His Excellency,  
Mr. Georges Bidault  
President of the Council  
Minister of Foreign Affairs

EXCHANGE OF LETTERS CONSTITUTING AN AGREEMENT<sup>1</sup> PROLONGING THE AGREEMENT OF 11 MARCH 1953 BETWEEN BELGIUM AND FRANCE REGARDING COMPENSATION FOR WAR DAMAGE. BRUSSELS, 18 AND 24 DECEMBER 1953

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## I

## EMBASSY OF FRANCE IN BELGIUM

Brussels, 18 December 1953

Your Excellency,

I have the honour to inform you that my Government's attention has been drawn to the consequences resulting from the application of article 9 of the Franco-Belgian Agreement of 11 March 1953 on war damage which stipulates that the persons concerned should enter applications not later than 1 October 1953, on penalty of forfeiture of rights.

In spite of the wide publicity that had been given to this clause of the agreement, it has seemed desirable to postpone the time limit for filing declarations to 31 December 1953.

I should be grateful if you would inform me whether this suggestion, which has already been submitted to the competent services for consideration, is acceptable to the Belgian Government.

I have the honour to be, etc.

(Signed) J. RIVIÈRE

His Excellency Mr. J. Meurice  
Acting Minister of Foreign Affairs  
Brussels

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<sup>1</sup> Came into force on 24 December 1953 by the exchange of the said letters, with retroactive effect from 1 October 1953, in accordance with the terms of the letters. This Agreement is not applicable to the territories of Belgian Congo and Ruanda-Urundi.



## II

## MINUTE

MINISTRY OF FOREIGN AFFAIRS AND EXTERNAL TRADE  
DIRECTORATE-GENERAL P.

DEPARTMENT OF INTERNATIONAL ORGANIZATION AND OF THE SETTLEMENT  
OF THE PEACE

Brussels, 24 December 1954

No. P. II/R.19.2/53/10.408

Your Excellency,

In a letter dated 18 December 1953, you proposed the postponement until 31 December 1953 of the time limit for filing the declarations envisaged in the Franco-Belgian Agreement of 11 March 1953 on war damage.

I have the honour to inform you that the Belgian Government signifies its acceptance of this proposal and that it will arrange to publish an Official Notice in the "Moniteur Belge" as soon as possible.

I have the honour to be, etc.

VAN ZEELAND

His Excellency Mr. Jean Rivière  
Ambassador Extraordinary and Plenipotentiary of France  
at Brussels

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