

No. 2875

**UNITED STATES OF AMERICA
and
NETHERLANDS**

Exchange of notes constituting an agreement relating to the nonassertion of sovereign immunity from suit with respect to air transport services. Washington, 19 June 1953

Official text: English.

Registered by the United States of America on 19 July 1955.

**ÉTATS-UNIS D'AMÉRIQUE
et
PAYS-BAS**

Échange de notes constituant un accord portant renonciation à l'immunité souveraine de juridiction dans le domaine des services de transports aériens. Washington, 19 juin 1953

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 19 juillet 1955.

No. 2875. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE NETHERLANDS RELATING TO THE NONASSERTION OF SOVEREIGN IMMUNITY FROM SUIT WITH RESPECT TO AIR TRANSPORT SERVICES. WASHINGTON, 19 JUNE 1953

I

The Netherlands Ambassador to the Secretary of State

NETHERLANDS EMBASSY
WASHINGTON 9, D. C.

EA-8166

June 19, 1953

Sir :

With reference to your note of September 5, 1952,² and in accordance with subsequent conversations between officials of your Department and this Embassy, I have the honor to inform you that it is my understanding that the following has been agreed upon by our two Governments :

The Governments of the United States of America and of the Kingdom of the Netherlands agree that neither Government will assert on behalf of any air carrier enterprise of its nationality, which engages in air transport operations into or through the territory of the other, the defense of sovereign immunity from suit in any action or proceeding entered into against such air carrier enterprise in any court or other tribunal of the other Government (or in the latter's territories or possessions) based upon any claim arising out of the air carrier's operations to and from the territory of the United States or the Netherlands, as the case may be, and further agree that neither Government will authorize any such air carrier to assert any such defense in its own behalf.

Please accept, Sir, the renewed assurances of my highest consideration.

J. H. VAN ROIJEN

The Honorable The Secretary of State
Washington D.C.

¹ Came into force on 19 June 1953 by the exchange of the said notes.

² Not printed by the Department of State of the United States of America.

II

The Secretary of State to the Netherlands Ambassador

DEPARTMENT OF STATE, WASHINGTON

June 19, 1953

Excellency :

I have the honor to acknowledge the receipt of your note of June 19, 1953, stating that it is the understanding of The Netherlands Government that the Governments of the United States of America and of the Kingdom of The Netherlands agree that neither Government will assert on behalf of any air carrier enterprise of its nationality which engages in air transport operations into or through the territory of the other, the defense of sovereign immunity from suit in any action or proceeding entered into against such air carrier enterprise in any court or other tribunal of the other Government (or in the latter's territories or possessions) based upon any claim arising out of the air carrier's operations to and from the territory of the United States or The Netherlands, as the case may be, and further agree that neither Government will authorize any such air carrier to assert any such defense in its own behalf.

The Government of the United States concurs in the understanding of The Netherlands Government with regard to this matter and the Embassy's note of June 19, 1953, and this reply will constitute an agreement between the two Governments on this matter.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State :
Samuel C. WAUGH

His Excellency Dr. J. H. van Roijen
Ambassador of The Netherlands
