

No. 3248

UNITED STATES OF AMERICA
and
FEDERAL REPUBLIC OF GERMANY

**Exchange of notes constituting an interim agreement
relating to the settlement of the surplus property
obligation of the Federal Republic of Germany.
Washington, 17 May and 17 August 1954**

Official text: English.

Registered by the United States of America on 11 April 1956.

ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

**Échange de notes constituant un accord provisoire relatif
au règlement de l'obligation de la République fédérale
d'Allemagne au titre des biens en surplus. Washington,
17 mai et 17 août 1954**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 11 avril 1956.

No. 3248. EXCHANGE OF NOTES CONSTITUTING AN INTERIM AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO THE SETTLEMENT OF THE SURPLUS PROPERTY OBLIGATION OF THE FEDERAL REPUBLIC OF GERMANY. WASHINGTON, 17 MAY AND 17 AUGUST 1954

I

The Secretary of State to the German Chargé d'Affaires ad interim

The Secretary of State presents his compliments to the Chargé d'Affaires ad interim of the Diplomatic Mission of the Federal Republic of Germany and refers to the negotiations which commenced in Washington on February 19, 1954 at a Conference between representatives of the Government of the Federal Republic of Germany and the Government of the United States pursuant to Articles I and VII of the Agreement between the United States of America and the Federal Republic of Germany regarding the Settlement of the Obligation of the Federal Republic of Germany to the United States of America for Surplus Property Furnished Germany, signed at London on February 27, 1953.² These negotiations are for the purpose of reaching agreement, in accordance with Article VII of the Agreement, on the total amount to be deducted from the indebtedness of the Federal Republic to the United States specified in Article I of the Agreement in respect of claims for damages lodged by third parties against the Federal Republic or its agencies arising from the reacquisition of certain of the surplus property by the United States.

At the outset of the negotiations, consideration was given to determining the total number of third party claims which the Conference might be called upon to consider. The information available to representatives of both Governments was exchanged and it was agreed that the maximum number of claims involved was twenty-two. A list setting forth these claims for identification purposes, by number and by name, is attached.³

The Conference undertook a careful review and study of the legal and factual basis of the individual claims, taking into account the assurances and explanations of the German representatives regarding German law, governmental procedures,

¹ Came into force on 18 August 1954 in accordance with the terms of the said notes.

² United Nations, *Treaty Series*, Vol. 205, p. 103.

³ See p. 36 of this volume.

and pertinent facts relating to the claims themselves and to the manner in which they have been and would be processed in Germany. While this review and study has included all of the twenty-two claims, it has been completed to the satisfaction of the Conference only with respect to claims C-1 through C-11 and C-19.

In the interest of fulfilling the obligations contained in Article VII of the Surplus Property Payment Agreement insofar as is possible at this time, the Government of the United States proposes an interim agreement to provide for the final disposition of claims C-1 through C-11 and C-19, and for the orderly conduct of further studies of the remaining claims as may be required, in the following terms:

1. The United States Government will allow and the Government of the Federal Republic will accept a deduction of \$ 2,350,000 effective January 1, 1953 from the indebtedness of the Federal Republic specified in Article I of the Surplus Property Payment Agreement of February 27, 1953 as full and final disposition and adjustment as between the two Governments in respect of claims C-1 through C-11 and C-19, as shown on the attached list, including any interest thereon and any other costs relating thereto.

2. The Government of the Federal Republic will undertake all further dealings with the claimants regarding claims C-1 through C-11 and C-19, including any disposition which may be made as to such claims; and the Federal Republic on behalf of itself and all persons subject to its jurisdiction hereby releases and discharges the United States, including its agencies and instrumentalities and all officers and employees thereof, from any and all claims and liabilities either now existing or hereafter arising in connection with transactions involved in these twelve claims, and will indemnify and hold harmless the United States with respect to any and all such claims and liabilities.

3. Representatives of the two Governments will cooperate in obtaining and assembling additional pertinent factual information regarding the remaining ten claims so that the review and study of these claims may be complete as promptly as possible. Thereafter, the negotiations will be resumed for the purpose of reaching agreement as to what additional amount is to be deducted in respect of such remaining ten claims from the indebtedness of the Federal Republic to the United States specified in Article I of the Surplus Property Payment Agreement.

If the Government of the Federal Republic of Germany is agreeable to the foregoing proposals the Government of the United States of America will consider the present note and your reply concurring therein as constituting an agreement between our respective Governments which shall enter into force on the date of the receipt of your note in reply.

Enclosure :
List of Claims.

Department of State
Washington, May 17 1954

NEGOTIATIONS BETWEEN THE UNITED STATES AND THE FEDERAL REPUBLIC OF GERMANY
UNDER ARTICLES I AND VII OF THE SURPLUS PROPERTY PAYMENTS AGREEMENT

Agreed list of claims for reference purposes

- C-1 Trucks and Spares
- C-2 Metall-Chemie GmbH - Prop. Rudolf Buchmann
- C-3 Kruger and Hoffmann
- C-4 Karl Forster Kraftfahrzeug GmbH
- C-5 ACMA GmbH (successor in interest to Sievert)
- C-6 Paul Fabricant
- C-7 Tauber and Schadendorf
- C-8 Christian Schenckl
- C-9 NORDAP, Kraftfahrzeug GmbH
- C-10 Bundesbahn (German Federal Railway)
- C-11 ATEGE
- C-12 ANSKA TRUST III (Binswagen Depot)
- C-13 COGIMEX (Compagnie Générale d'Importation et d'Exportation)
- C-14 Allied Equipment Company
- C-15 William J. Lutes (U. S. Truck Sales)
- C-16 David B. Kaplus
- C-17 Oakland Truck Sales
- C-18 Cuban Truck and Equipment Company
- C-19 Testa (Cleveland)
- C-20 Richard Kuhn
- C-21 ANSKA TRUST I (automotive engines)
- C-22 ANSKA TRUST II (Mannheim Depot)

II

The German Chargé d'Affaires ad interim to the Secretary of State

DIPLOMATIC MISSION OF THE FEDERAL REPUBLIC OF GERMANY
WASHINGTON 9, D.C.

The Chargé d'Affaires ad interim of the Federal Republic of Germany presents his compliments to the Secretary of State and has the honor to acknowledge receipt of the Secretary of State's note of May 17, 1954 which reads as follows :

[See note I]

On behalf of the Government of the Federal Republic of Germany the Chargé d'Affaires ad interim has the honor to inform the Secretary of State that the proposals set forth in his note of May 17, 1954 are acceptable and that the German Federal Government concurs with the further proposal that that note and this reply shall be considered as constituting an agreement between our respective Governments which shall enter into force on the date of the receipt of this reply by the Secretary of State.

Washington, D.C., August 17, 1954

(Initialled) [illegible]