

No. 3556

**NETHERLANDS
and
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND**

**Exchange of notes (with appendix) constituting an agreement
regarding compensation for war damage. London,
17 May and 8 October 1947**

Official text: English.

Registered by the Netherlands on 11 October 1956.

**PAYS-BAS
et
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD**

**Échange de notes (avec appendice) constituant un accord
relatif à la réparation des dommages de guerre. Londres,
17 mai et 8 octobre 1947**

Texte officiel anglais.

Enregistré par les Pays-Bas le 11 octobre 1956.

No. 3556. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE NETHERLANDS AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND REGARDING COMPENSATION FOR WAR DAMAGE. LONDON, 17 MAY AND 8 OCTOBER 1947

I

FOREIGN OFFICE, S. W. 1

(KC 199/130/229)
Confidential

17th May, 1947

Your Excellency,

As Your Excellency will recall, Resolution No. 3 of the Final Act of the Paris Conference on Reparation provided that "in the administration of reconstruction or compensation benefits for war damage to property, the treatment accorded by each Signatory Government to physical persons who are nationals and to legal persons who are nationals of or are owned by nationals of any other Signatory Government, so far as they have not been compensated after the war for the same property under any other form or on any other occasion shall be in principle not less favourable than that which the Signatory Government affords to its own nationals." The actual implementation of that principle, it was contemplated, would be achieved through special agreements between Signatory Governments.

2. His Majesty's Government in the United Kingdom are anxious to discuss the conclusion of such an agreement with the Netherlands Government, and I should be grateful, therefore, if Your Excellency would be good enough to inform me whether it would be possible for a member of your staff to participate in preliminary discussions at the Foreign Office, having that end in view.

I have the honour to be, with the highest consideration,

Your Excellency's obedient Servant,

For the Secretary of State :

(Signed) D. MACKILLOP

His Excellency Jonkheer E. Michiels van Verduynen
etc., etc., etc.
Park Street, W. 1

¹ Came into force on 8 October 1947 by the exchange of the said notes.

II

No. 8240

8th October 1947

Your Excellency,

I have the honour to refer to Your Excellency's note of 17th May 1947, KC 199/130/229 Confidential, on the mutual application of Resolution No. 3 of the Final Act of the Paris Conference on Reparation and the subsequent discussions held at the Foreign Office, and, under instructions received from my Government, to make the following reply.

2. In view of the equal treatment accorded to Netherlands nationals under the United Kingdom War Damage Legislation the Netherlands Government are glad to extend to British nationals belonging to the United Kingdom the same benefits as are given to residents of the Netherlands under relevant Netherlands legislation. Accordingly the Netherlands Minister of Finance has made under date of 3rd September 1947 the appropriate order to give effect to this extension, a translation of this order is appended hereto.¹
3. From the text of this order Your Excellency will observe that the aforementioned extension applies only to British nationals belonging to the United Kingdom of Great Britain and Northern Ireland. The Netherlands Government are, however, prepared to cause a further extension to be made in respect of British nationals belonging to other British territories, provided that in such territories reciprocity in respect of Netherlands nationals will be observed or granted.
4. Your Excellency will also observe that in the definition of British legal person the same tests of ownership and control are applied as are embodied in the Anglo-French accord of 3rd December 1946.
5. The Netherlands Government are of the opinion that, since the requisite legislative arrangements to ensure reciprocity between the United Kingdom and the Netherlands are completed, it will not be necessary to enter into a formal agreement and they suggest that the present correspondence may be deemed sufficient to record the agreement of our Governments in this matter. Should however Your Excellency prefer a formal agreement the Netherlands Government would be glad to discuss the draft of such an agreement.

I have the honour to remain, with the highest consideration,

Your Excellency's obedient Servant,

(Signed) E. Michiels VAN VERDUYNEN

The Right Honourable Ernest Bevin, M.P.
etc., etc., etc.

¹ See p. 24 of this volume.

APPENDIX

Translation

The Hague, 3rd September, 1947

The Minister of Finance,

Having regard to section 1, subsection 3, of the Physical War Damage Decree (*Staatsblad* No. F. 255) and section 2, subsection 2, of the War Damage (Transitory Provisions) Decree (*Staatsblad* No. F. 98);

Whereas the United Kingdom War Damage Legislation is applicable to War Damage sustained in the United Kingdom by Netherlands nationals;

Has decreed :

1. Damage, sustained within the Netherlands in direct consequence of armed hostilities, of actions or measures of the enemy or of war circumstances by unmovable property, by movables belonging to a commercial undertaking or used in the exercise of a profession, or by furniture, insofar as these were owned by United Kingdom nationals or United Kingdom legal persons at the time such damage arose, shall be deemed to be war-damage within the meaning of section 1, subsection 1, of the Physical War Damage Decree (*Staatsblad* No. F. 255);
2. United Kingdom legal persons shall be understood to refer to legal persons, in which United Kingdom or United Kingdom and Netherlands interests were represented at the time the damage arose at a rate of not less than fifty per cent, either by way of participation in the share capital or through the exercise of control;
3. United Kingdom Nationals shall be understood to refer to British subjects belonging to the United Kingdom of Great Britain and Northern Ireland and United Kingdom interests shall be understood to refer to the interests of those nationals;
4. In order to qualify for a payment in respect of war-damage the nationals and legal persons referred to sub 1) must have submitted their cases not later than 29 February 1948 to the Office of the War Damage Commission, 130 Stadhouderslaan, The Hague;
5. This order enters into force as from the date of its publication in the *Nederlandse Staatscourant*.

The Minister of Finance :
(Signed) P. LIEFTINCK