

No. 4755

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

Exchange of notes (with Memorandum of Understanding and annexes thereto) constituting an agreement regarding the application of the provisions of the Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany, the Finance Convention and the Agreement on the Tax Treatment of the Forces and their Members to Canadian Forces and their Members in the Federal Republic of Germany. Bonn, 19 April 1955 and 9 January 1956

Official text: English.

Registered by the United Kingdom of Great Britain and Northern Ireland on 15 June 1959.

No. 4755. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF CANADA REGARDING THE APPLICATION OF THE PROVISIONS OF THE CONVENTION ON THE RIGHTS AND OBLIGATIONS OF FOREIGN FORCES AND THEIR MEMBERS IN THE FEDERAL REPUBLIC OF GERMANY², THE FINANCE CONVENTION³ AND THE AGREEMENT ON THE TAX TREATMENT OF THE FORCES AND THEIR MEMBERS⁴ TO CANADIAN FORCES AND THEIR MEMBERS IN THE FEDERAL REPUBLIC OF GERMANY. BONN, 19 APRIL 1955 AND 9 JANUARY 1956

I

CANADIAN EMBASSY

Bonn, April 19, 1955

Excellency,

I should like to refer to discussions which have taken place between representatives of the United Kingdom, United States and French High Commissions regarding the conclusion of arrangements whereby the provisions of the Convention on the Rights and Obligations of Foreign Forces and Their Members in the Federal Republic of Germany,² the Finance Convention³ and the Agreement on Tax Treatment of the Forces and Their Members⁴ may be applied to the Canadian Forces and their members stationed in the territory of the Federal Republic.

I have been instructed by my Government to propose that an agreement be concluded, the terms of which are contained in a Memorandum of Understanding which is attached to this letter as Appendix 'A'.⁵ It is proposed that after the views of the Government of the Federal Republic of Germany have been ascertained

¹ Came into force on 5 May 1955, in accordance with the provisions of the said notes.

² Will appear in United Nations, *Treaty Series*, Vol. 332, under No. 4760.

³ Will appear in United Nations, *Treaty Series*, Vol. 332, under No. 4761.

⁴ Will appear in United Nations, *Treaty Series*, Vol. 332, under No. 4763.

⁵ See p. 196 of this volume.

in accordance with item (ii) of sub-paragraph (b) of paragraph 4 of Article 1 of the Convention on the Rights and Obligations of Foreign Forces and Their Members in the Federal Republic of Germany, and if you agree, this letter with its Appendix and your reply should constitute an agreement between our Governments for the purposes of sub-paragraph (b) of paragraph 4 of Article 1 of that Convention, which shall then be notified to the Government of the Federal Republic of Germany.

Similar letters have been addressed to your United States and French colleagues.

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

(Signed) C. S. A. RITCHIE

His Excellency Sir Frederick Hoyer Millar
United Kingdom High Commissioner for Germany
Bonn

APPENDIX "A"

MEMORANDUM OF UNDERSTANDING BETWEEN CANADA AND THE THREE POWERS REGARDING THE APPLICATION OF THE PROVISIONS OF THE CONVENTION ON THE RIGHTS AND OBLIGATIONS OF FOREIGN FORCES AND THEIR MEMBERS IN THE FEDERAL REPUBLIC OF GERMANY, THE FINANCE CONVENTION AND THE AGREEMENT ON THE TAX TREATMENT OF THE FORCES AND THEIR MEMBERS TO CANADIAN FORCES AND THEIR MEMBERS IN THE FEDERAL REPUBLIC OF GERMANY

Subject to the provisions of paragraph 2 of this Memorandum, for the purposes of the Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany (Forces Convention) and the Finance Convention, as may from time to time be amended, the Power Concerned, as defined in paragraph 4 (b) of Article 1 of the Forces Convention, shall be with respect to Canadian Forces and their members stationed in the Federal territory, Canada or one of the Three Powers, as indicated in Annex I¹ or Annex II² to this Memorandum. Annexes I and II are to be considered part of this Memorandum.

2. Where more than one Power is named as the Power Concerned in this Memorandum the division of responsibility between those Powers so named will be determined by arrangements between their appropriate authorities. In general, the Power Concerned for a particular case or situation will be that Power initiating action or that Power to

¹ See p. 200 of this volume.

² See p. 202 of this volume.

which approach is made by the German authorities unless responsibility as Power Concerned is transferred by that Power to the other Power named as Power Concerned in the relevant item of the Annexes to this Memorandum.

3. It is understood that the Agreement on Tax Treatment of the Forces and their Members (Tax Agreement) applies to Canadian Forces and their members, and to Canadian Organizations and enterprises, and their employees, referred to in Article 36 of the Forces Convention, in the same way as it applies to those of the Three Powers.

4. The arrangements contemplated in this Memorandum shall become effective upon the coming into force of the Forces Convention and the Finance Convention and shall remain effective insofar as they are related to the particular Convention or Agreement as long as the Forces Convention or the Finance Convention or the Tax Agreement remain in force.

5. The arrangements contemplated in this Memorandum may be amended at any time by an exchange of notes between Canada and the Three Powers, except that the Annexes may be amended by an exchange of notes between Canada and that one of the Three Powers which is named therein as Power Concerned, all amendments to be notified to the Federal Government.

ANNEX I TO APPENDIX "A"

"POWER CONCERNED" UNDER THE FORCES AND FINANCE CONVENTIONS WITH RESPECT TO THE ROYAL CANADIAN AIR FORCE AND ITS MEMBERS STATIONED IN THE FEDERAL REPUBLIC OF GERMANY

ANNEXE I DE L'APPENDICE A

« PUISSANCE INTÉRESSÉE », AU SENS DE LA CONVENTION RELATIVE AUX FORCES ET DE LA CONVENTION FINANCIÈRE, EN CE QUI CONCERNE LA ROYAL CANADIAN AIR FORCE ET SES MEMBRES SUR LE TERRITOIRE DE LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

Forces Convention — Convention relative aux forces

Article Articles	Paragraph Paragraphes	Power concerned Puisseance intéressée	Article Articles	Paragraph Paragraphes	Power concerned Puisseance intéressée
1	7	Canada	29		Canada
2		Canada	30		Canada
4		France	31		Canada
5		Canada France	32		Canada United States
6		Canada	33		Canada France
7	2	Canada	34	4	Canada France
	3	Canada		5	Canada France
	4	Canada		7	Canada France
	5	Canada		8	Canada France
	6	France		9	Canada
	7	Canada	35	2	Canada
8		Canada		4	Canada France
9		Canada		5	Canada France
10		Canada		6	Canada France
11		Canada		8	Canada France
12		Canada		9	Canada France
13		Canada		10	Canada France
15		Canada France		11	Canada France
16		Canada	36		Canada
17	4	Canada France	38		Canada France
	6	Canada France	39		Canada France
	7	Canada France	40		Canada France
	10	France	41		France
18	1	Canada	43		Canada
	3	Canada	44	3	France
	7	France		5	France
21		Canada		6	Canada France
22		Canada		7	Canada France
24		Canada		8	France
25	2	Canada France		9	France
	4	Canada		10	France
27	1	Canada	45		France
28	1	Canada	48		France

Finance Convention — Convention financière

Article <i>Articles</i>	Paragraph <i>Paragraphes</i>	Power concerned <i>Puissance intéressée</i>	Article <i>Articles</i>	Paragraph <i>Paragraphes</i>	Power concerned <i>Puissance intéressée</i>
2		Canada	8	14	Canada United Kingdom
4		France		15	Canada France
5	1	Canada		16	Canada
	2	France	9		Canada
	3	France	10		France
	3 (a)	Canada France	11		France
6		Canada France	12		Canada France
7		Canada	13	1	Canada
8	7	Canada United Kingdom		2	France
	8	Canada United Kingdom		3	France
	9	Canada United Kingdom		4	Canada
	11	Canada United Kingdom	15		France
	13	Canada United Kingdom	17		Canada

ANNEX II TO APPENDIX "A"

"POWER CONCERNED" UNDER THE FORCES AND FINANCE CONVENTIONS WITH RESPECT TO THE CANADIAN ARMY AND ITS MEMBERS STATIONED IN THE FEDERAL REPUBLIC OF GERMANY

ANNEXE II DE L'APPENDICE A

« PUISSANCE INTÉRESSÉE », AU SENS DE LA CONVENTION RELATIVE AUX FORCES ET DE LA CONVENTION FINANCIÈRE, EN CE QUI CONCERNE L'ARMÉE CANADIENNE ET SES MEMBRES SUR LE TERRITOIRE DE LA RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE

Forces Convention — Convention relative aux forces

Article <i>Articles</i>	Paragraph <i>Paragraphes</i>	Power concerned <i>Puissance intéressée</i>	Article <i>Articles</i>	Paragraph <i>Paragraphes</i>	Power concerned <i>Puissance intéressée</i>
1	7	Canada	33		Canada United Kingdom
2		Canada	34	4	Canada United Kingdom
4		United Kingdom		5	Canada United Kingdom
5		Canada United Kingdom		7	United Kingdom
6		Canada		8	Canada United Kingdom
7	2	Canada		9	Canada
	3	Canada	35	2	Canada
	4	Canada		4	Canada United Kingdom
	5	Canada		5	Canada United Kingdom
	6	United Kingdom		6	Canada United Kingdom
	7	Canada		8	Canada United Kingdom
8		Canada		9	Canada United Kingdom
9		Canada		10	Canada United Kingdom
10		Canada		11	Canada United Kingdom
11		Canada	36		Canada
12		Canada	38		United Kingdom
13		Canada	39	3	United Kingdom
15		Canada United Kingdom		5	United Kingdom
16		Canada		6	United Kingdom
17	4	Canada United Kingdom		7	United Kingdom
	6	Canada United Kingdom		8	United Kingdom
	7	Canada United Kingdom		10	United Kingdom
	10	United Kingdom		11	Canada
18	1	Canada	40	1	United Kingdom
	3	Canada		2	United Kingdom
	7	United Kingdom		3	Canada United Kingdom
		United Kingdom	41		United Kingdom
21		Canada	43		United Kingdom
22		Canada	44	3	United Kingdom
24		Canada		5	United Kingdom
25	2	Canada United Kingdom		6	Canada United Kingdom
	4	Canada		7	Canada United Kingdom
27		Canada		8	United Kingdom
28		Canada		9	United Kingdom
29		Canada United Kingdom		10	United Kingdom
30		United Kingdom			United Kingdom
31		Canada	45		United Kingdom
32	1	Canada	48		United Kingdom
	2	Canada United Kingdom			
	3	Canada United Kingdom			
	4	Canada United Kingdom			

Finance Convention — Convention financière

Article <i>Articles</i>	Paragraph <i>Paragraphes</i>	Power concerned <i>Puissance intéressée</i>	Article <i>Articles</i>	Paragraph <i>Paragraphes</i>	Power concerned <i>Puissance intéressée</i>
2		Canada United Kingdom	8	14	Canada United Kingdom
4		United Kingdom		15	Canada United Kingdom
5	1	Canada		16	Canada
	2	United Kingdom	9		Canada
	3	United Kingdom	10		United Kingdom
	3 (a)	Canada United Kingdom	11		United Kingdom
6		United Kingdom	12		Canada United Kingdom
7		Canada	13	1	Canada
8	7	Canada United Kingdom		2	United Kingdom
	8	Canada United Kingdom		3	United Kingdom
	9	Canada United Kingdom		4	Canada
	11	Canada United Kingdom	15		United Kingdom
	13	Canada United Kingdom	17		Canada

II

BRITISH EMBASSY

BONN

(11970)
Unclassified

January 9, 1956

Your Excellency,

I have the honour to reply to your letter of April 19, 1955 in which you referred to discussions which had taken place between representatives of the Canadian Embassy and representatives of the United Kingdom, United States and French High Commissions before the termination of the Occupation Régime in the Federal Republic of Germany on May 5, 1955, regarding the conclusion of arrangements whereby the provisions of the Convention on the Rights and Obligations of Foreign Forces and their members in the Federal Republic of Germany, and the related Finance Convention, and the Agreement on Tax Treatment of the Forces and their Members, signed in Bonn on May 26, 1952, as amended by Schedules II, III and V to the Protocol on the Termination of the Occupation Régime in the Federal Republic of Germany, signed at Paris on October 23, 1954,¹ may be applied to the Canadian Forces and their members stationed in the territory of the Federal Republic of Germany.

2. I am instructed by Her Majesty's Government in the United Kingdom to agree that to this end the division of responsibility between our two countries for the rights and obligations in question should be in accordance with the provisions contained in a Memorandum of Understanding which is attached as an Appendix² to this letter and which refers to all those Articles of the Forces Convention and of the Finance Convention in which mention is made either of "the power concerned" or "the authorities of the Forces."

3. I accordingly agree that, the views of the Government of the Federal Republic of Germany on these arrangements having been received in a Note dated October 29, 1955, your letter under reference with its Appendix and this my reply with its Appendix, should constitute an agreement between our two Governments in these matters in accordance with the terms of paragraph 4 (b) of Article 1 of the Forces Convention abovementioned, with effect from the date of the entry into force of the Protocol on the Termination of the Occupation Régime in the Federal Republic of Germany.

¹ See p. 253 of this volume.

² See p. 196 of this volume.

4. I am sending copies of this letter with its enclosures for information to the United States and French Embassies in Bonn.

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

Your Excellency's obedient Servant,

(Signed) F. R. HOYER MILLAR

His Excellency Mr. C. S. A. Ritchie
Canadian Embassy
Bonn