

No. 7098

NETHERLANDS
and
UNITED STATES OF AMERICA

**Agreement on public liability for damage caused by the
N.S. Savannah (with annex). Signed at The Hague,
on 6 February 1963**

Official texts: Dutch and English.

Registered by the Netherlands on 4 February 1964.

PAYS-BAS
et
ÉTATS-UNIS D'AMÉRIQUE

**Accord définissant les clauses de responsabilité pour dom-
mages éventuels causés par le N. S. Savannah (avec
annexe). Signé à La Haye, le 6 février 1963**

Textes officiels néerlandais et anglais.

Enregistré par les Pays-Bas le 4 février 1964.

No. 7098. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE KINGDOM OF THE NETHERLANDS AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA ON PUBLIC LIABILITY FOR DAMAGE CAUSED BY THE N.S. *SAVANNAH*. SIGNED AT THE HAGUE, ON 6 FEBRUARY 1963

The Government of the Kingdom of the Netherlands and

The Government of the United States of America

Being in the process of making arrangements for a visit of the N.S. *Savannah* to the Netherlands under appropriate operating agreements, and

Being desirous of agreeing upon the liability for damage arising out of or resulting from a nuclear incident involving the N.S. *Savannah*:

Have for that purpose agreed as follows :

Article 1

The United States shall provide compensation for damage which arises out of or results from a nuclear incident in connection with the design, development, construction, operation, repair, maintenance or use of the N.S. *Savannah* provided, and to the extent, that any competent court of the Netherlands or a Commission to be established under Netherlands law, determines the United States to be liable for public liability. The principles of law which shall govern the liability of the United States for any such damage shall be those in existence at the time of the occurrence of the said nuclear incident.

Article 2

The United States shall indemnify any person who on account of any act or omission committed on Netherlands territory is held liable for public liability under the law of a country other than the Netherlands for damage as described in Article 1.

¹ Came into force on 22 May 1963, the day on which each Government received from the other Government written notification that it had complied with all the statutory and constitutional requirements for the entry into force of the Agreement, in accordance with article 10.

Article 3

The United States shall pursue no rights of recourse against any person who on account of any act or omission committed on Netherlands territory would be liable for damage as described in Article 1.

Article 4

It is agreed that the aggregate liability of the United States arising out of a single nuclear incident involving the N.S. *Savannah*, regardless of where damage may be suffered, shall not exceed \$500 million.

Article 5

The United States agrees to submit to proceedings before any competent court of the Netherlands or before any other body established under Netherlands law for the purpose of considering and determining liability for damage as described in Article 1.

Article 6

As used in this Agreement and its Annex, the terms “persons indemnified” “public liability” and “nuclear incident” have the same meaning as in the definitions of those terms found in Section 11 of the United States Atomic Energy Act of 1954, as amended (U.S. Code, Title 42, Section 2014).

Article 7

This Agreement relates only to a nuclear incident occurring during a voyage of the N.S. *Savannah* to or from the Netherlands or its presence in Netherlands waters.

Article 8

A Contracting Party may terminate the Agreement by giving no less than six months' notice in writing to the other Contracting Party.

Article 9

In the event of entry into force of any general multilateral convention relating to third party liability for nuclear ships by which both Contracting Parties become bound, the present Agreement shall be amended by agreement between the two Contracting Parties so as to conform with the provisions of such convention.

Article 10

This Agreement shall enter into force on the day on which each Government shall receive from the other Government written notification that it has complied with all the statutory and constitutional requirements for the entry into force of such Agreement.

Article 11

As used in this Agreement, the term "Netherlands" refers to the European territory of the Kingdom only.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto by their respective Governments, have signed the present Agreement.

DONE at The Hague in duplicate, in the Netherlands and English languages, both texts being equally authentic, this 6th day of February 1963.

For the Government of the Kingdom of the Netherlands :

(Signed) H. R. VAN HOUTEN

For the Government of the United States of America :

(Signed) Fisher HOWE

A N N E X

The Government of the United States represents that there is an agreement in effect between the U.S. Atomic Energy Commission and the U.S. Maritime Administration whereunder the Atomic Energy Commission, acting upon the authority of Section 170 of the United States Atomic Energy Act of 1954 (Public Law 83-703), as amended by Public Law 85-256 and Public Law 85-602, has agreed to indemnify the United States Maritime Administration and other persons indemnified against claims for public liability arising from a nuclear incident in connection with the design, development, construction, operation, repair, maintenance or use of the Ship in the amount of \$500 million including the reasonable costs of investigating and settling claims and defending suits for damage.
