

No. 11635

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

**Exchange of notes constituting an agreement concerning the
Channel Tunnel Project. Paris, 22 September 1971**

Authentic texts : English and French.

*Registered by the United Kingdom of Great Britain and Northern Ireland on
15 March 1972.*

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

**Échange de notes constituant un accord relatif au Projet d'un tunnel
sous la Manche. Paris, 22 septembre 1971**

Textes authentiques : anglais et français.

*Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le
15 mars 1972.*

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE FRENCH REPUBLIC CONCERNING THE CHANNEL TUNNEL PROJECT

ÉCHANGE DE NOTES CONSTITUANT UN ACCORD¹ ENTRE LE GOUVERNEMENT DU ROYAUME-UNI DE GRANDE-BRETAGNE ET D'IRLANDE DU NORD ET LE GOUVERNEMENT DE LA RÉPUBLIQUE FRANÇAISE RELATIF AU PROJET D'UN TUNNEL SOUS LA MANCHE

I

Her Majesty's Ambassador at Paris to the Minister for Foreign Affairs of the French Republic

L'Ambassadeur de Sa Majesté britannique à Paris au Ministre des affaires étrangères de la République française

BRITISH EMBASSY

PARIS

22 September 1971

Monsieur le Ministre,

I have the honour to refer to the recent discussions between, on the one hand, the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic (hereinafter referred to collectively as "the Governments") and, on the other hand, the private group (hereinafter referred to as "the Group") with whom the Governments have decided to enter into negotiations with a view to each Government concluding with the Group a parallel agreement (hereinafter referred to as a "Preliminary Agreement") concerning the final studies relating to the construction of a rail tunnel under the Channel, and connected problems. I have the honour to refer also to the recent discussions held between the two Governments and more especially to the discussions which took place between Ministers and officials of the two Governments on 22 March 1971.

In the light of these discussions, the Government of the United Kingdom propose that :

(a) the Governments shall now proceed jointly to negotiate parallel Preliminary Agreements with the Group;

¹ Came into force on 22 September 1971, the date of the note in reply, in accordance with the provisions of the said notes.

¹ Entré en vigueur le 22 septembre 1971, date de la note de réponse, conformément aux dispositions desdites notes.

(b) the Governments shall forthwith, and without waiting for the conclusion of the Preliminary Agreements, take all necessary steps to ensure coordination between them and to deal with the problems which may arise, including the establishment of procedures and the setting up of suitable machinery.

The Government of the United Kingdom further propose that the following provisions shall apply in the case of the abandonment of the project by one of the two Governments :

(a) If, for any reason whatever, the Preliminary Agreements are not concluded, each Government shall alone bear the cost of the expenditure which that Government have undertaken to reimburse to the Group, as well as other related expenses which that Government have themselves incurred. In these circumstances :

- (i) each Government shall refrain, as against the other, from making any claim or seeking any indemnity;
- (ii) the use and disposal of the rights and assets of whatever kind which may be vested by the Group in the two Governments, or either of them, shall be regulated by a special arrangement between the two Governments.

(b) The Preliminary Agreements shall provide for the terms of reimbursing the Group in the case of unilateral withdrawal by one of the two Governments. In these circumstances, irrespective of which Government may have taken the initiative for withdrawal, the two Governments shall each bear one half of the cost of the reimbursement of the sums due to the Group and each Government will alone bear the cost of all other expenditure in which they are or have been involved by virtue of or in connexion with the said Agreements.

No claim by one of the two Governments may be lodged against the other regarding the reimbursement of the Group or other related expenses.

The use and disposal of the rights and assets of whatever kind which may be vested by the Group in the two Governments, or either of them, by virtue of the making of the said reimbursement shall be regulated by a special arrangement between the two Governments.

It is understood that the Government which has not taken the initiative for withdrawal may not make any claim against the Government which has taken that initiative, nor seek any indemnity from that Government.

(c) On the conclusion of the Main Agreement (relating to the construction of the tunnel), the two Governments shall make special provision for the procedure to be followed in connexion with, and the consequences of, any withdrawal which may occur for any reason whatever, including force majeure.

If the foregoing proposals are acceptable to the Government of the French Republic, I have the honour to propose to you that this note and Your Excellency's reply in the same terms shall constitute an agreement between the two Governments which shall enter into force on the date of Your Excellency's reply.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

CHRISTOPHER SOAMES

[TRADUCTION — TRANSLATION]

AMBASSADE DE GRANDE-BRETAGNE
PARIS

Le 22 septembre 1971

Monsieur le Ministre,

[Voir note II]

Veillez agréer, etc.

CHRISTOPHER SOAMES

II

The Minister of Foreign Affairs of the French Republic to Her Majesty's Ambassador at Paris *Le Ministre des affaires étrangères de la République française à l'Ambassadeur de Sa Majesté britannique à Paris*

Monsieur l'Ambassadeur,

Par lettre en date de ce jour vous avez bien voulu me faire savoir ce qui suit :

J'ai l'honneur de me référer aux récentes conversations entre le Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et le Gouvernement de la République française (ci-après désignés collectivement sous le terme « les Gouvernements »), d'une part, et le groupe privé (ci-après désigné sous le terme « le Groupe »), d'autre part, avec lequel les Gouvernements ont décidé d'engager des négociations en vue de la conclusion entre chaque Gouvernement et le Groupe d'un accord parallèle (ci-après désigné sous le nom de « convention préliminaire ») portant sur les études définitives relatives à la construction d'un tunnel ferroviaire sous la Manche et aux problèmes connexes. J'ai l'honneur de me référer également aux conversations récentes qui se sont tenues entre les deux Gouvernements et plus particulièrement aux entretiens qui ont eu lieu entre ministres et fonctionnaires des deux Gouvernements le 22 mars 1971.

A la lumière de ces conversations, le Gouvernement du Royaume-Uni propose que :

- a) Les Gouvernements participent à présent conjointement à la négociation de conventions préliminaires parallèles avec le Groupe.
- b) Les Gouvernements prennent, dès maintenant et sans attendre la conclusion des conventions préliminaires, toutes les dispositions nécessaires pour assurer la coordination de leurs positions et pour régler les problèmes qui pourraient se poser, notamment par l'établissement de procédures et la mise sur pied d'organismes idoines.

[TRANSLATION¹ — TRADUCTION²]

Paris, 22 September 1971

Monsieur l'Ambassadeur,

In your letter of today's date you were good enough to write to me as follows :

[*Voir note I*]

I have the honour to confirm the agreement of the Government of the French Republic with these proposals.

Please accept, Monsieur l'Ambassadeur, the assurances of my high consideration.

MAURICE SCHUMANN

¹ Translation supplied by the Government of the United Kingdom.

² Traduction fournie par le Gouvernement du Royaume-Uni.