

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1953 No. 1

Overgelegd aan de Staten-Generaal door de Minister
van Buitenlandse Zaken

A. TITEL

*Overeenkomst tussen het Koninkrijk der Nederlanden en de
Verenigde Staten van Amerika tot economische samenwerking,
met bijlage en briefwisseling; 's-Gravenhage, 2 Juli 1948*

B. TEKST

De Nederlandse en de Engelse tekst zijn bekendgemaakt bij
Koninklijk besluit van 11 Augustus 1948 en afgedrukt in *Stb.*
No. I 365.

G. INWERKINGTREDING

Zie *Trbl.* 1951 No. 89.

J. GEGEVENS

Zie *Trbl.* 1951 No. 89 en 1952 No. 22.

Ter uitvoering van artikel III van de Overeenkomst zijn de Neder-
landse en de Amerikaanse Regering bij nota's, gewisseld te Washing-
ton op 24 September en 7 October 1952, het volgende overeen-
gekomen:

No. I

DEPARTMENT OF STATE

Washington
September 24, 1952

Sir:

I have the honor to refer to the conversations which have recently
taken place between representatives of our two Governments relating

to Article III of the Economic Cooperation Agreement between the United States of America and the Kingdom of the Netherlands, signed at The Hague, on July 2, 1948, as heretofore amended or supplemented. As a consequence of those conversations, the Government of the United States of America proposes the following agreement to the Government of the Kingdom of the Netherlands:

The Governments of the Kingdom of the Netherlands and of the United States of America will, upon the request of either of them, consult respecting projects in the Kingdom of the Netherlands proposed by nationals of the United States of America with regard to which guaranties under Section 111(b)(3) of the Economic Cooperation Act of 1948, as heretofore amended, have been made or are under consideration. With respect to such guaranties extending to projects which are approved by the Government of the Kingdom of the Netherlands in accordance with the provisions of the aforesaid Section, the Government of the Kingdom of the Netherlands agrees:

a. That if the Government of the United States of America makes payment in United States dollars to any person under any such guaranty, the Government of the Kingdom of the Netherlands will recognize the transfer to the United States of America of any right, title or interest of such person in assets, currency, credits, or other property on account of which such payment was made and the subrogation of the United States of America to any claim or cause of action of such person arising in connection therewith. The Government of the Kingdom of the Netherlands shall also recognize any transfer to the Government of the United States of America pursuant to such guaranty of any compensation for loss covered by such guaranties received from any source other than the Government of the United States of America;

b. That any claim against the Government of the Kingdom of the Netherlands to which the Government of the United States of America may be subrogated as the result of any payment under a guaranty shall be deemed to be an espoused claim subject to the procedures provided in Article X of the aforesaid Economic Cooperation Agreement, whether or not the condition stated in paragraph 3 of said Article X has been satisfied; provided, however, that such payment is made only after the recipient of the payment has taken reasonable measures to pursue any judicial or administrative remedies which may be available in connection with its claim for a period of at least one year from the initiation of the action on account of which the payment is made;

c. That any guilders acquired by the Government of the United States of America pursuant to the terms of any such guaranty shall be accorded treatment with respect to convertibility which is not less favorable than the treatment which would have been accorded to the holder of the guaranty and that the Government of the United States

of America shall be permitted freely to use guilders thus acquired for its administrative expenditures.

If this proposal is acceptable to the Government of the Kingdom of the Netherlands, it is suggested that you reply by note. This note, together with such reply, will constitute an agreement between our two Governments on this subject, the agreement to enter into force on the date of receipt of your reply note.

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

For the Secretary of State:
(Sd.) JAMES C. H. BONBRIGHT

*His Excellency
Dr. J. Herman van Roijen,
Ambassador of the Netherlands.*

No. II

EMBASSY OF THE NETHERLANDS

Washington, October 7, 1952

Sir:

I have the honor to acknowledge the receipt of your note of September 24th, 1952, reading as follows:

(zoals in No. I)

I have the honor to state that the Government of the Kingdom of the Netherlands accepts the proposed agreement as outlined in your above-mentioned note and considers that your note and this reply constitute an agreement between the two Governments on this subject, the agreement to enter into force on the date of receipt of this reply note.

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

(Sd.) J. H. VAN ROIJEN

*The Honorable Dean Acheson,
Secretary of State,
Washington, D.C.*

Bovendien is de Overeenkomst gewijzigd bij op 28 November 1952 te 's-Gravenhage tussen de Nederlandse en de Amerikaanse Regering gewisselde nota's, waarvan de tekst als volgt luidt:

No. III

AMERICAN EMBASSY

No. 318

The Hague, November 28, 1952.

Excellency:

I have the honor to refer to the conversations which have recently taken place between representatives of our two Governments relating to the Economic Cooperation Agreement between the Government of the United States of America and the Government of the Kingdom of the Netherlands, signed at The Hague on July 2, 1948, and to the enactment into law of Public Law 400, of the Eighty-Second Congress, amending the Economic Cooperation Act of 1948 and the Mutual Security Act of 1951. I also have the honor to confirm the understandings reached as a result of these conversations as follows:

1. Whenever reference is made in the said Economic Cooperation Agreement, as amended, to the Mutual Security Act of 1951, or to the Economic Cooperation Act of 1948, such reference shall be construed as meaning such Agreement or Acts as heretofore amended.

2. The phrase, "five percent of each deposit", appearing in Article IV, Paragraph 4, of the said Economic Cooperation Agreement shall be changed to "ten percent of each deposit". The application of this provision shall be in accordance with the provisions set forth in the letter dated July 9, 1952, from the MSA Mission, The Hague, to the Royal Netherlands Government's Commissioner for the Economic and Military Aid Program.

If Your Excellency concurs in these understandings my present note together with Your Excellency's affirmative reply thereto shall serve to formalize these understandings and constitute an agreement between our two Governments on this subject.

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

(Sd.) SELDEN CHAPIN

*His Excellency
Mr. J. W. Beyen,
Royal Netherlands Minister of Foreign Affairs,
The Hague.*

No. IV

MINISTRY OF FOREIGN AFFAIRS

No. 123158

The Hague, 28 November 1952

Excellency,

I have the honour to acknowledge receipt of Your Excellency's note, No. 318, of November 28th 1952, reading as follows:

(zoals in No. III)

The understandings set forth above are acceptable to Her Majesty's Government and I therefore have the honour to state that Your Excellency's note and the present reply constitute an agreement between our two Governments on this subject.

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

The Minister of Foreign Affairs,

(Sd.) J. W. BEYEN

*His Excellency Selden Chapin Esq.,
Ambassador extraordinary and
plenipotentiary of the
United States of America.*

Uitgegeven de vijfde Januari 1953.

De Minister van Buitenlandse Zaken,

J. W. BEYEN.