

No. 6872

**UNITED STATES OF AMERICA
and
FEDERAL REPUBLIC OF GERMANY**

Exchange of notes constituting an agreement relating to the settlement of certain claims against members of the United States Forces (including dependents) insured by the Brandaris Insurance Company in Germany. Bonn/Bad Godesberg and Bonn, 28 February and 14 March 1963

Official texts: English and German.

Registered by the United States of America on 12 August 1963.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Échange de notes constituant un accord relatif au règlement de certaines réclamations à l'encontre de membres des Forces armées des États-Unis en Allemagne (y compris les personnes à leur charge) assurés par la Compagnie d'assurances Brandaris. Bonn/Bad Godesberg et Bonn, 28 février et 14 mars 1963

Textes officiels anglais et allemand.

Enregistré par les États-Unis d'Amérique le 12 août 1963.

No. 6872. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO THE SETTLEMENT OF CERTAIN CLAIMS AGAINST MEMBERS OF THE UNITED STATES FORCES (INCLUDING DEPENDENTS) INSURED BY THE BRANDARIS INSURANCE COMPANY IN GERMANY. BONN/BAD GODESBERG AND BONN, 28 FEBRUARY AND 14 MARCH 1963

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The American Chargé d'Affaires ad interim to the Federal Minister of Finance

EMBASSY OF THE UNITED STATES OF AMERICA
BONN/BAD GODESBERG, GERMANY

February 28, 1963

Excellency :

To permit the payment of claims which have arisen through the non-duty use of private motor vehicles of members of the United States Forces (including dependents) insured by the Brandaris insurance company, I propose the following agreement :

1. Persons who, as a result of an act or omission in the Federal territory, done outside the performance of official duty and involving private motor vehicles of members of the United States Forces (as defined in Article 1 of the Convention on the Rights and Obligations of Foreign Forces and their Members in the Federal Republic of Germany),² have a claim for damages against members of the United States Forces and whose claim cannot be paid or be fully paid in view of the suspension of payments of the Brandaris insurance company will, upon application, be granted compensation (*ex gratia* payment) by the United States Forces in accordance with the following provisions, where such claim is cognizable under the Foreign Claims Act and implementing regulations :

- (a) As far as the Foreign Claims Act permits, the compensation will be measured by the amount payable by the person liable for the damage.
- (b) Amounts received by the injured person from Brandaris or from a third party in payment of the obligation of Brandaris will be deducted from the compensation to be granted by the United States Forces. The United States will fully settle these claims and will require from the claimant the release of the United States, the Federal Republic, the Brandaris insurance company and the insured from present or future

¹ Came into force on 14 March 1963 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 332, p. 3.