

No. 3428

**UNITED STATES OF AMERICA
and
CANADA**

Exchange of notes (with appendix) constituting an agreement relating to the status of Canadian forces stationed in the Federal Republic of Germany. Bonn, 19 April 1955, and Bonn/Bad Godesberg, 26 January 1956

Official text: English.

Registered by the United States of America on 15 May 1956.

**ÉTATS-UNIS D'AMÉRIQUE
et
CANADA**

Échange de notes (avec appendice) constituant un accord relatif au statut des forces canadiennes stationnées sur le territoire de la République fédérale d'Allemagne. Bonn, 19 avril 1955, et Bonn/Bad-Godesberg, 26 janvier 1956

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 15 mai 1956.

No. 3428. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND CANADA RELATING TO THE STATUS OF CANADIAN FORCES STATIONED IN THE FEDERAL REPUBLIC OF GERMANY. BONN, 19 APRIL 1955, AND BONN/BAD GODESBERG, 26 JANUARY 1956

I

*The Canadian Ambassador to the Federal Republic of Germany
to the United States High Commissioner for Germany*

CANADIAN EMBASSY
AMBASSADE DU CANADA

Bonn, April 19, 1955

Excellency,

I should like to refer to discussions which have taken place between representatives of this Embassy and representatives of the United Kingdom, United States and French High Commissions regarding the conclusion of arrangements whereby the provisions of the Convention² on the Rights and Obligations of Foreign Forces and Their Members in the Federal Republic of Germany, the Finance Convention² and the Agreement² on Tax Treatment of the Forces and Their Members 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".³ It is proposed that after the views of the Government of the Federal Republic of Germany have been ascertained 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

¹ Came into force on 26 January 1956 by the exchange of the said notes.

² United States of America : *Treaties and Other International Acts Series 3425*.

³ See p. 118 of this volume.

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 British and French colleagues.¹

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

C. S. A. RITCHIE

His Excellency Dr. James B. Conant
United States High Commissioner to Germany
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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 I² or Annex II³ 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 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

¹ Not printed by the Department of State of the United States of America.

² See p. 120 of this volume.

³ See p. 122 of this volume.