



Ministry  
of Defence

[REDACTED]

FOI2019/09032

E-mail: [Navysec-foimailbox@mod.gov.uk](mailto:Navysec-foimailbox@mod.gov.uk)

[REDACTED]

19 December 2019

Dear [REDACTED],

Release of Information

Further to our letter of 26 November 2019, I am now able to respond in full to your request for the following information:

- '1. Between the dates June 3rd 2019 and August 1st 2019, did the Ministry of Defence have any contact with the Dutch Cultural Heritage Agency and/or Dutch Ministry of Education, Culture and Science regarding allegations that Sovereign Immune Royal Navy wrecks have been subjected to illicit salvage by divers and/or vessels and/or trawlers?
2. If such communications have taken place what was the result of the contacts?
3. Between the dates June 3rd 2019 and August 1st 2019, please supply any records in any medium which mention, HM Submarines E3 and/or E5 and/or E26 and/or D2 and/or illicit salvage by Dutch divers and/or vessels and/or trawlers.'

Your enquiry has been considered to be a request for information in accordance with the Freedom of Information (FOI) Act 2000.

As explained in our interim response, a search was completed within the Ministry of Defence (MOD) and it was confirmed that some information in scope of your request that is held may fall within the scope of the qualified exemptions under Section 27(1)(a) (International Relations) and Section 31 (Law Enforcement) of the FOI Act.

Under S27(1)(a), information is exempt if its disclosure under the Act would, or would be likely to, prejudice relations between the United Kingdom and any other State. Under S31(1)(a) and (b) information is exempt if its disclosure would, or would be likely to, prejudice the prevention and detection of crime, the apprehension or prosecution of offenders and/or the administration of justice. As these are both qualified exemptions, the decision to withhold the requested information is subject to a Public Interest Test. This has

been conducted and it may assist you to understand our decision if I outline the factors that were considered.

While it is recognised that there is a long-standing high level of public interest in the management and preservation of our underwater heritage, divulging some of the information in scope of your request could impact on the UK's relationship with another State and has the potential to make the wrecks sites vulnerable to criminal activities. Consequently, it has been concluded that public interest balance favours some information being withheld under these exemptions.

The information that the MOD can provide relating to all parts of your request can be found enclosed with this letter. I should advise, however, that, as some of the information was designed for internal purposes only and not intended for public distribution, the enclosed documentation has been redacted to remove any personal information in accordance with Section 40(2) of the FOI Act. Section 40(2) applies to personal data relating to third parties. The release of personal information relating to other individuals would contravene the principles of the Data Protection Act 2018.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.uk](mailto:CIO-FOI-IR@mod.uk)). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely

Navy Command Secretariat - FOI Section









XX

**From:** XXX  
**Sent:** 25 June 2019 12:42  
**To:** XXX(NAVY SEC-1 CHARITIES HERITAGE)  
**Subject:** RE: E Class Submarines

It should be fine yes – there’s no password on it.

XXXXXX

XXXXXXXXXX

Head of Exhibitions and Collections

T: XXXXXXXXXXXXXXX Ext:XXXXX

M:XXXXXXXXXXXXXXXXXX

W:www.nmrn.org.uk



We are proud to announce that HMS Caroline has been shortlisted for Art Fund Museum of the Year 2019. HMS Caroline, the First World War light cruiser docked in Belfast since 1924 reopened as a museum following an £18m restoration. The prize is regarded as the most prestigious museum accolade in the world. The annual award celebrates innovation and exceptional achievement in museums and galleries across the UK. Bravo Zulu!

**From:** .XXXXXXXXXXXXXXXXXXXX (NAVY SEC-1 CHARITIES HERITAGE) ;XX  
**Sent:** 25 June 2019 12:22  
**To:** XXX  
**Subject:** RE: E Class Submarines

XXXXXX

Our MOD system won't let us access the pictures. If I forward the link to Receiver of Wreck, will they have the permission to access?

Kind Regards

XXXXXXXXXX

XXXXXXXXXXXXXXXXXXXX NAVY SEC-1 Charities and Heritage Navy Command Headquarters MP 1.4, Leach Building Whale Island Portsmouth Hampshire PO2 8BY XXX

**From:** .XXXXXXXXXXXXXXXXXXXX  
**Sent:** 25 June 2019 11:37

**To:** xxxxxxxxxxxxxxxxxxx(NAVY SEC-1 CHARITIES HERITAGE) xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx  
**Subject:** E Class Submarines  
**Importance:** High

Hi xxxxxx

Further to recent correspondence, please find (slightly late, sorry) a WeTransfer ink to images of the items we have already received. I have also attached the list we were sent, ticked and signed. Hopefully these will allow you to complete the Receiver of Wreck Form, thank you very much for doing this for me.

We would definitely take the E3 bell and periscope, for sure. I'm around tomorrow as well, albeit briefly – it might be good to catch up. I am tied up 0900-100 and 1230 – 1500,

Best regards,

.xxxxx

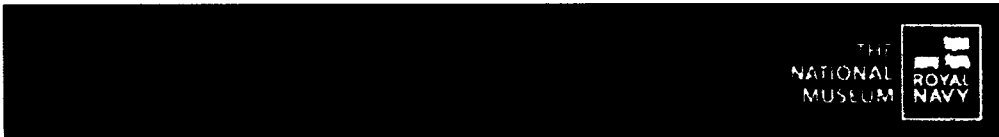
xxxxxxxxx

Head of Exhibitions and Collections

T: xxxxxxxxxxxxxxxxxxxxxxxxxxx

M: xxxxxxxxxxxxxxxxxxxxxxx

W: www.nmrn.org.uk



We are proud to announce that HMS Caroline has been shortlisted for Art Fund Museum of the Year 2019. HMS Caroline, the First World War light cruiser docked in Belfast since 1924 reopened as a museum following an £18m restoration. The prize is regarded as the most prestigious museum accolade in the world. The annual award celebrates innovation and exceptional achievement in museums and galleries across the UK. Bravo Zulu!

**From:** WeTransfer [mailto:noreply@wetransfer.com]  
**Sent:** 24 June 2019 10:06  
**To:** xxx  
**Subject:** xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxsent you files via WeTransfer



xx  
xx

sent you some files

19 items, 80.9 MB in total - Will be deleted on 1 July 2019









Kind Regards

XXXXXXXXXX

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XXXXXXXXXXXXXXXXXXXXX NAVY SEC-1 Charities and Heritage Navy Command Headquarters MP 1.4, Leach Building Whale  
Island Portsmouth Hampshire PO2 8BY XXX



HiXXXXXX

I look forward to meeting you next Tuesday. I have a question before then.

The original list (dated 01 FEB 2019) contains items that were not handed back in May. Could you clarify where these outstanding items are, please? I have attached the list of items received for your cross reference.

The list of outstanding items is as follows:

- Wooden Chest (E3)
- Drip-pan (E3)
- Switchboard Casing (E3)
- Fuel Switchboard (E5)
- Oil can/oil feeder (E26)

Also, the periscope and bell from the E3, do you have knowledge of where they are? (XXXXXXXXXXXXXXXXXXXX: have said that they are still in the possession of the divers?)

Kind regards,  
XXXXXXX

XXX) **Military Assistant to the Defence Attaché** | British Embassy | Lange Voorhout 10, 2514 ED Den Haag, The Netherlands | (XX) XXXXXXXXXXXXXXX)

# OUT OF SCOPE



Ministerie van Defensie

**Hoofddirectie Beleid**

Plein 4  
MPC 58 B  
Postbus 20701  
2500 ES Den Haag  
Nederland  
[www.defensie.nl](http://www.defensie.nl)

**Contactpersoon**

[Redacted]  
[Redacted]

**Datum**

15-06-2018

**Onze referentie**

BS2018012206

*Bij beantwoording datum,  
onze referentie en betreft  
vermelden.*

## Meeting on the recovery of artefacts from sunken wrecks

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<b>Subject</b>	Meeting between representatives of United Kingdom and the Netherlands
<b>Date and time</b>	June 5 2018, 10:00-11:30
<b>Location</b>	Ministry of Defence, room A7

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### 1. Participants

#### United Kingdom

- [Redacted], Defence Attaché
- [Redacted] Foreign and Commonwealth Office
- [Redacted] Ministry of Defence, HQ RN
- Alison Kentuck (dialed in) Receiver of Wrecks

#### Netherlands

- [Redacted] Cultural Heritage Agency
- [Redacted] Ministry of Education Culture and Science (OCW)
- [Redacted], Ministry of Foreign Affairs
- [Redacted], Ministry of Defence
- [Redacted], Ministry of Defence

### 2. Introduction and Context

The purpose of this meeting was to exchange information on how the Netherlands and the UK deal with the recovery of artefacts from sunken

wrecks and the protection of wrecks in general. Furthermore, ways to improve the collaboration on this subject were discussed.

### 3. Main topics

[REDACTED]

[REDACTED]

[REDACTED]

The new law is very strict. Key is: "look, don't touch". This makes it sometimes difficult to identify unknown wrecks and to rescue objects that are threatened by erosion. A pilot was therefore started to experiment with a broader interpretation of the law. The pilots were executed around Texel, the North Sea and the Zeeland Delta. One dive (from the North Sea pilot) took place to the E5 by diving club the Zeester. Artefacts were taken from the E5 and E26.

[REDACTED] stressed that this is UK property and it should not have been taken up.

[REDACTED] emphasized that we learned from the pilots that we should have consulted the flag state of the wrecks beforehand. Another outcome of the pilot phase is that for military wrecks the rule should always be "look, don't touch". No exceptions.

Nevertheless within the pilots that were carried out the basic rule was that objects can only be taken up in very special cases: if it is really necessary for identification or if there is a direct threat for the object. In one case the amateur divers did not obey this rule. They were strongly told this was against the agreement.

[REDACTED]

[REDACTED]

[REDACTED]



[REDACTED]

[REDACTED]

Alison Kentuck explained that if someone brings an artefact up, they should contact the Receiver of Wreck at the Maritime and Coastguard Agency. The Receiver will try to track down the owner and contact them to see what arrangements should be made

[REDACTED]

[REDACTED]

- Another meeting will be scheduled to work out procedural policies and to see how we can help each other on protection of wreck sites.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] explained all letters sent to the Dutch parliament and meetings in the parliament are public documents which can be found online.

[REDACTED]

[REDACTED]

All participants agree on keeping each other updated.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



XX

**From:** XXX >  
**Sent:** 21 June 2019 09:40  
**To:** XXXXXXXXXXXXXXXXXXXX (NAVY SEC-1 CHARITIES HERITAGE); XXXXXXXXXXXXXXX  
XXX  
XXX  
XXX  
**Subject:** 20190621 - Meeting on recovery of wrecks to the UK - 2 JUL 19  
**Attachments:** 2018 06 18 Report Meeting on the recovery of artefacts from sunken wrecks  
final.docx

Dear Sirs, Ma'ams, all,

Please see below the agenda for this meeting on the **2<sup>nd</sup> July 2019**. Also, find the report from last year's meeting attached.

1. Update on progress since last meeting on 05 Jun 2018.
2. Plans for the recovery of outstanding items (for example: bell & periscope from E5).
3. Deterrence proposals for future violations (engagement with divers, legal action, prosecution).
4. Any other business.

Kind regards,  
XXXXXXXXXXXXX

XX **Military Assistant to the Defence Attaché | British Embassy |**  
Lange Voorhout 10, 2514 ED Den Haag, The Netherlands | XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXXX  
This email is intended for the addressee(s) only. All messages sent and received by the Foreign & Commonwealth Office may be monitored in line with relevant [UK legislation](#).









## Follow-up meeting on the recovery of artefacts from sunken wrecks

- 
- a. **Subject:** Follow-up meeting on the recovery of artefacts from sunken wrecks  
b. **Date:** 02 JUL 2019  
c. **Time:** 1000 - 1130 (UTC+2)  
d. **Location:** British Embassy, Lange Voorhout 10, 2514 ED, The Hague, NL
-

## 1. Participants

	FLAG	NAME	AGENCY
1	UK	XXXXXXXXXXXX	British Embassy The Hague
2	UK	XXXXXXXXXXXXXXXXXXXXXXXXXXXX	Navy Command HQ
3	UK	XXXXXXXXXXXX	British Embassy The Hague
4	UK	XXXXXXXXXXXX	British Embassy The Hague
5	NL	XXXXXXXXXXXX	Ministry of Culture & Science (OCW)
6	NL	XXXXXXXXXXXX	Ministry of Culture & Science (OCW)
7	NL	XXXXXXXXXXXXXXXXXXXX	Ministry of Foreign Affairs
8	NL	XXXXXXXXXXXXXXXXXXXX	Ministry of Defence
9	NL	XXXXXXXXXXXX	Ministry of Defence

## 2. Context

The purpose of this meeting was to consolidate progress on the recovery of artefacts salvaged from UK wrecks, to discuss the effectiveness of current deterrents and to agree a sustainable pathway to deal with artefacts in future cases.

## 3. Main topics

Introduction: There was an introduction by all parties present and a brief catch-up on what has happened since the last meeting (5<sup>th</sup> June 2018). Some artefacts that had been salvaged by divers were returned to the UK in May 2019.

Correction to last meeting minutes: There was a correction to the record of the last meeting, within point '3. Main Topics' it states that 'both UK-law and Dutch law do have an age limit', this has been corrected and should state 'both UK-law and Dutch law do not have an age limit'.

Java Sea: Both the Netherlands and UK have conducted surveys on their wrecks in the SE Asia Region, both countries are working with regional authorities to ensure adequate protection is in place.

Reporting UK artefacts: When an artefact is landed in the UK the Receiver of Wrecks (RoW) should be contacted, RoW staff can be contacted through the generic email address: [row@mcga.gov.uk](mailto:row@mcga.gov.uk)

Summary of progress on returning UK artefacts: The group was brought up to date on the recent recovery of UK artefacts (14) with some items still outstanding. Having contacted the National Museum of the Royal Navy (NMRN), it will not be possible to recover all outstanding artefacts to the UK. It requires resource for the transportation, storage and conservation. Some artefacts require urgent intervention and there is finite resource, others are of very limited historical or emotional significance. MOD policy is that Naval artefacts should be offered to NMRN in the first instance. The NMRN have agreed that in future they would be willing to consider items of provenance. When artefacts are recovered by Dutch authorities, the British Defence attaché to the Netherlands should be contacted in the first instance by the DCHA and they will decide on their future on a case by case basis.



Coastguard & salvage company involvement: Asked about the coastguard's involvement in diving exhibitions, the DCHA stated that there was a dive along a shipping lane in which the coastguard was asked to assist for safety reasons. Salvage companies are aware that they must ensure that they are very careful not to disturb shipwrecks when salvaging shipping containers from the seabed. As a result of the shipping container salvaging by the salvage companies, there now exists a detailed seafloor map of certain areas off the coast which have potentially allowed historic shipwrecks to be discovered. The DCHA have access to these maps and have offered to share data with the UK MOD.

Future artefact recoveries: In future, a description of recovered artefacts should be provided by the DCHA to the UK Defence Attaché to the Netherlands to decide if the item is of significance, if so the MOD will contact the NMRN to firstly see if the museum is interested and then to take possession and return to the UK. The UK will not pursue minor items recovered but expects the Netherlands to uphold its Heritage Law. It was explained that UK artefacts are in legally ambiguous place as there is no requirement for the Netherlands to hold them, the same is true of artefacts found in the ground. It is for the UK to decide, as the rightful owner, what happens to UK-owned artefacts. The DCHA will consider the most appropriate and efficient way in future to address this issue in liaison with international Defence Attachés to the Netherlands. Ideally, items should never be lifted in the first place.

Future prevention of salvaging: Dutch Heritage law is clear, it is a criminal offence to take items from the seabed.

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{XXX  
:XX  
The DCHA also has access to marine tracking data from the Coastguard and when they suspect illegal diving activities, they request the Coastguard to investigate with aircraft/boats etc. XXXXXXXXXXXXXXXX  
XXX XXXXXXXXXXXXXXXXXXXXXXXX  
XXX  
XXX  
XXX  
{XXXXXXXXXXXX}

Sovereign Immunity - Activity: The UK consider that all naval warships, state vessels, aircraft and associated artefacts, of any state and wherever in the world they lie, are Sovereign Immune unless afforded additional protection. They can be dived on a 'look but don't touch' basis. Divers do not have to request permission from the UK to look at our wrecks, they would only require permission if they wanted to do anything other than that (i.e. activity) such as salvage, tampering with, damaging, moving, removing or unearthing the remains, or entering any hatch or other opening in the remains.

Summary: Any evidence of past, present or future violations of the Heritage law should be submitted to the DCHA who in turn will present to prosecutors should there be sufficient evidence. The UK MOD wishes to seek a return of significant items to the UK to be gifted to museums. In future if the DCHA has significant UK-

owned items, the UK Defence Attaché to the Netherlands should be notified and appropriate arrangements should be made to return them to the UK.

-END-

British Defence Team

British Embassy The Hague

