

No. 1860

**UNITED STATES OF AMERICA, FRANCE,
UNITED KINGDOM OF GREAT BRITAIN
AND NORTHERN IRELAND
and
FEDERAL REPUBLIC OF GERMANY**

**Exchange of notes constituting an agreement relating to
defense materials. Bonn, 23 October 1950 and 6 March
1951**

Official texts: English and German.

Registered by the United States of America on 25 September 1952.

**ÉTATS-UNIS D'AMÉRIQUE, FRANCE,
ROYAUME-UNI DE GRANDE-BRETAGNE
ET D'IRLANDE DU NORD
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Échange de notes constituant un accord relatif aux matières
servant à la défense. Bonn, 23 octobre 1950 et 6 mars
1951**

Textes officiels anglais et allemand.

Enregistré par les États-Unis d'Amérique le 25 septembre 1952.

No. 1860. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA, FRANCE, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO DEFENSE MATERIALS. BONN, 23 OCTOBER 1950 AND 6 MARCH 1951

I

The Chairman of the Allied High Commission for Germany to the Chancellor of the Federal Republic of Germany

AGSEC(50)2340

23rd October 1950

Mr. Chancellor,

You will recall that the Foreign Ministers, in their Communiqué on Germany, issued in New York on September 19, 1950,² after referring to their willingness to amend the Occupation Statute,³ stated that "the Federal Republic will be expected to undertake certain commitments and other actions consonant with its new responsibilities".

In view of the fact that the amendments to the Occupation Statute now under active consideration will transfer to the Federal Government certain reserved powers, the exercise of which may become necessary in the interest of the defence effort of the Western Nations, the Allied High Commission hereby requests the Federal Government formally to give an assurance that it will co-operate with the Western Powers in the equitable apportionment of materials, products, and services which are or may be in short supply or required for the common defence.

At the present time it is not possible to determine in detail the areas where shortage can be expected, the Organisations which will be designated to cope with these shortages, or the specific measures which the Federal Government might find it necessary to take in the discharge of its obligations. It can be stated, however, that now and in the immediate future the Federal Government is expected to maintain conditions under which Western orders may be freely placed in Western Germany and under which deliveries against these orders will be made in the normal course of events, and not to increase unduly the internal consumption of these goods at the expense of exports. It can also be

¹ Came into force on 6 March 1951, by the exchange of the said notes.

² United States of America : *Department of State Bulletin*, 2 October 1950, pp. 530-531.

³ United States of America : *Treaties and Other International Acts Series 2066*; 63 Stat., pt. 3, p. 2817.

anticipated that, with the prospective increase in the defence effort of the Western Powers, the Federal Government will be expected to lend support to industries producing critical items in short supply and to institute measures designed to assure, at fair prices, supplies of finished goods, raw materials and services for Western defence requirements in an equitable proportion to Western Germany's internal requirements for consumption and investment and in preference to the import demands of countries outside the Western defence effort.

I beg your Excellency to accept the assurance of my high esteem.

Ivone KIRKPATRICK
Chairman

His Excellency The Chancellor
of the Federal Republic of Germany

II

The Chancellor of the Federal Republic of Germany to the Allied High Commission for Germany

[GERMAN TEXT — TEXTE ALLEMAND]

[TRANSLATION¹ — TRADUCTION²]

BUNDESREPUBLIK DEUTSCHLAND
DER BUNDESKANZLER

THE FEDERAL REPUBLIC OF GERMANY
THE FEDERAL CHANCELLOR

210-09 II/2456/51

210-09 II/2456/51

Bonn, 6. März 1951

Bonn, March 6, 1951

Herr Hoher Kommissar,

Mr. High Commissioner,

In Beantwortung Ihres Schreibens vom 23. Oktober 1950 — AGSEC (50) 2340 — bestätige ich Ihnen hiermit, Ihrem Wunsche entsprechend, dass die Bundesregierung bei einer der Billigkeit entsprechenden Verteilung von Rohstoffen, Erzeugnissen und Dienstleistungen, die knapp sind oder knapp werden könnten, oder die für die gemeinsame Verteidigung erforderlich sind oder erforderlich werden könnten, mitwirken wird.

In reply to your letter of October 23, 1950 — AGSEC (50) 2340 — I hereby confirm, in accordance with your wish, that the Federal Government will participate in the equitable distribution of raw materials, products and services which are scarce or which could become scarce or which are necessary or could become necessary for a joint defense.

Im Geiste dieser Zusammenarbeit ist die Bundesregierung insbesondere bereit,

In the spirit of this cooperation the Federal Government is especially ready

¹ Translation by the Government of the United States of America.

² Traduction du Gouvernement des États-Unis d'Amérique.

- a) westliche Bestellungen der oben bezeichneten Güter und Leistungen in der Bundesrepublik keinen Ausfuhrbeschränkungen zu unterwerfen, die einer der Billigkeit entsprechenden Verteilung dieser Güter und Leistungen abträglich sind;
- b) Massnahmen zu ergreifen, um zu verhüten, dass der innere Verbrauch der oben bezeichneten Güter und Leistungen auf Kosten ihrer Ausfuhr über Gebühr erhöht wird, sowie um die Industrien, welche diese Güter herstellen, zu unterstützen.
- c) wenn es die Lage erfordert, Massnahmen zu ergreifen, die die Lieferung der oben bezeichneten Güter und Leistungen für den westlichen Verteidigungsbedarf zu angemessenen und nicht diskriminierenden Preisen sicherstellen, und zwar in einem der Billigkeit entsprechenden Verhältnis zum inneren Verbrauchs- und Investierungsbedarf in der Bundesrepublik, sowie mit dem angemessenen Vorrang vor den Einfuhrwünschen derjenigen Staaten, die nicht an den westlichen Verteidigungsmassnahmen teilnehmen.
- a) not to subject Western orders of the above-mentioned goods and services in the Federal Republic to export restrictions which are injurious to an equitable distribution of these goods and services;
- b) to take measures to prevent an excessive increase in the domestic consumption of the above-mentioned goods and services at the expense of their export, as well as to subsidize the industries which manufacture these goods;
- c) if the situation requires, to take measures which will safeguard the above-mentioned goods and services for the Western defense needs at reasonable and non-discriminatory prices in an equitable proportion to the domestic needs of consumption and investment in the Federal Republic, as well as with an appropriate priority over the import wishes of countries which do not take part in the Western defense measures.

Genehmigen Sie, Herr Hoher Kommissar, den Ausdruck meiner ausgezeichnetsten Hochachtung.

ADENAUER

Seiner Exzellenz
dem Geschäftsführenden Vorsitzenden
der Alliierten Hohen Kommission
Herrn Botschafter
André François-Poncet
Bonn - Petersberg

Accept, Mr. High Commissioner, the assurances of my highest consideration.

ADENAUER

His Excellency
The Chairman of the Allied High
Commission
Ambassador André François-Poncet
Bonn - Petersberg