

No. 2381

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

**Exchange of notes constituting an agreement relating to the
export of ferrous scrap from Germany to the United
States of America and the United Kingdom. Bonn,
17 and 19 September 1951**

Official texts: English and German.

Registered by the United States of America on 28 November 1953.

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

**Échange de notes constituant un accord relatif à l'exporta-
tion aux États-Unis d'Amérique et au Royaume-Uni
de ferraille en provenance d'Allemagne. Bonn, 17 et
19 septembre 1951**

Textes officiels anglais et allemand.

Enregistré par les États-Unis d'Amérique le 28 novembre 1953.

No. 2381. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO THE EXPORT OF FERROUS SCRAP FROM GERMANY TO THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM. BONN, 17 AND 19 SEPTEMBER 1951

I

*The Chancellor of the Federal Republic of Germany to the United States
High Commissioner*

[GERMAN TEXT — TEXTE ALLEMAND]

BUNDESREPUBLIK DEUTSCHLAND
DER BUNDESKANZLER

311-13 II/10704/51

Bonn, 17. September 1951

Seiner Exzellenz dem Hohen Kommissar der
Vereinigten Staaten von Amerika
Herrn John J. McCloy
Bonn—Petersberg

Herr Hoher Kommissar,

Unter Bezugnahme auf mein Schreiben vom 20. August 1951-311-13 II/9504/51-übersende ich in der Anlage den Text des Abkommens über deutsche Schrottlieferungen an die Vereinigten Staaten von Amerika und an das Vereinigte Königreich, das zwischen Ihrem Wirtschaftsberater und dem Bundeswirtschaftsministerium vereinbart wurde.

Ich beehre mich, Ihnen mitzuteilen, dass die Bundesregierung mit dieser Regelung einverstanden ist. Ich bitte Sie, mir das Einverständnis Ihrer Regierung bestätigen zu wollen.

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

ADENAUER

¹ Came into force on 1 October 1951 in accordance with the terms of the said notes.

- 5.) Das Bundeswirtschaftsministerium wird die Versicherung abgeben, daß die gesetzlich möglichen Erleichterungen und Genehmigungen den britischen und amerikanischen Einkäufern gegeben werden, um sie in den Stand zu versetzen, den Schrott im Sinne dieses Abkommens zu kaufen und zu erhalten.
Die deutsche Regierung wird den britischen und amerikanischen Vertretern der Hohen Kommissare Firmen benennen, die berechtigt und in der Lage sind, die Schrottmengen zu verkaufen, welche im Rahmen dieses Abkommens an England und America geliefert werden können. Die Bundesregierung ist außerdem bereit, die Liste aller exportberechtigten Schrotthändler einem Vertreter der amerikanischen und britischen Hohen Kommissare zur Einsichtnahme zugänglich zu machen.
- 6.) Über eine Ausfuhrgenehmigung für 13.500 to für England und 15.000 to für die Vereinigten Staaten soll im Rahmen eines separaten Abkommens eine Vereinbarung getroffen werden derart, daß diese Mengen außerhalb der Punkte 1) bis 5) dieses Abkommens geregelt werden.
- 7.) Mit Inkrafttreten dieses Abkommens am 1. Oktober 1951 sind alle übrigen Lieferverpflichtungen einschliesslich der Rückstände als abgegolten zu betrachten, mit Ausnahme der unter Punkt 6) erwähnten Mengen, bezüglich deren eine separate Regelung erfolgen soll.

[TRANSLATION¹ — TRADUCTION²]

FEDERAL REPUBLIC OF GERMANY
THE FEDERAL CHANCELLOR

311-13 II/10704/51

Bonn, September 17, 1951

His Excellency the High Commissioner of the
United States of America

John J. McCloy
Bonn - Petersberg

Mr. High Commissioner,

With reference to my letter of August 20, 1951-311-13 II/9504/51-³ I am sending you enclosed herewith the text of the Agreement Concerning German Deliveries of Scrap to the United States of America and to the United Kingdom,⁴ which was reached between your Economic Adviser and the Federal Ministry of Economics.

I have the honor to inform you that the Federal Government agrees to this arrangement. I request that you confirm to me the agreement of your government.

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

ADENAUER

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

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

³ Not printed by the Department of State of the United States of America.

⁴ See note II.

II

*The United States Deputy High Commissioner to the Chancellor
of the Federal Republic of Germany*

UNITED STATES HIGH COMMISSIONER FOR GERMANY
BAD GODESBERG, MEHLEMER-AUE

APO 757-Bonn

September 19, 1951

My dear Mr. Chancellor :

The receipt is acknowledged of your letter of September 17, 1951 enclosing the text of the agreement reached by representatives of the United States and United Kingdom High Commissioners with representatives of the Federal Republic in regard to the export of scrap from Germany to the United States and United Kingdom as follows :

Export of Blast-Furnace and Steel Scrap

1. Out of the scrap production in the Federal Republic first of all 325,000 tons per month will be set aside for the consumption of the German iron production industry. Any quantities available over and above this figure up to 50,000 tons, i.e., the quantities between 325,000 and 375,000 tons per month will be released for export.

The quantities exceeding these 375,000 tons per month up to 400,000 tons shall be released in equal parts for German domestic consumption and for export.

If the monthly scrap production exceeds 400,000 tons, one third of the surplus shall be released for export and two thirds for domestic consumption.

The export permits for the quantities available for export shall be divided up as follows :

- 1) 60% in favor of the United States and Great Britain who will settle the distribution between themselves.
- 2) 40% in favor of other countries according to the instructions of the Federal Ministry of Economics.

The 40% available under para. 2) of the above distribution plan shall be limited to 25,000 tons per month as long as the scrap production does not exceed 425,000 tons per month. In this case, the excess over the 25,000 tons referred to above, will be added to the 60% which is to be released for export in favor of the United States and the United Kingdom.

Over and above a monthly scrap production of 425,000 tons per month, however, out of the third part which will then be released for export, 60% shall be made available to the United States and the United Kingdom and 40%—without limit—to other countries.

2. This agreement on the export of scrap shall become effective on October 1, 1951 and remain in operation until June 30, 1952. The agreement shall be confirmed in

the form of an exchange of letters between the Federal Chancellor and the United States and British High Commissioners.¹

3. Representatives of the Federal Ministry of Economics shall meet the representatives of the British and United States High Commissioners at regular intervals in order to ensure the smooth working of the agreement.

4. For the purpose of facilitating the shipment of the scrap for export, the monthly export quota shall provisionally be fixed on the basis of the production of the last month but one. Accordingly, the quota for each month shall be announced 15 days before the beginning of the month concerned at the latest.

If this arrangement meets with any difficulties, the representatives of the interested countries shall meet again in order to discuss a suitable revision of the procedure.

5. The Federal Ministry of Economics shall give an assurance that all legally possible facilities and authorizations will be afforded to the British and United States buyers in order to enable them to buy and obtain the scrap under this agreement.

The German Government shall nominate to the British and United States representatives of the High Commissioner firms empowered and in a position to sell the quantities of scrap which may be delivered to England and the United States under this agreement. Furthermore, the Federal Government is prepared to allow a representative of the United States and British High Commissioners to inspect the lists of all scrap dealers with a license for export.

6. As regards the export permit for 13,500 tons for England and 15,000 tons for the United States an arrangement will be made in the form of a separate agreement in such a way that these quantities shall be settled outside paras. 1 to 5 of this agreement.

7. With the coming into force of this agreement on October 1, 1951 all other delivery obligations including the backlogs shall be regarded as settled with the exception of the quantities mentioned under para. 6 for which a separate settlement shall be effected.

I am pleased to inform you that this is my understanding of the agreement which I am prepared to accept.

Sincerely yours,

George P. HAYS
Major General, USA

His Excellency the Chancellor
of the Federal Republic of Germany
Palais Schaumburg
141 Koblenzerstrasse
Bonn

¹ The following information is given by the Department of State of the United States of America (*Treaties and Other International Acts Series* 2438, p. 5, footnote 1): "Exchange of letters dated Sept. 17 and 20, 1951, between Germany and the United Kingdom; not printed."