

No. 3071

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

Exchange of notes constituting an agreement relating to the purchase of equipment and materials for internal police use in the Federal Republic of Germany. Washington, 23 November 1953

Official text : English.

Registered by the United States of America on 20 December 1955.

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

Échange de notes constituant un accord relatif à l'achat de matériel et de produits destinés à l'usage de la police intérieure de la République fédérale d'Allemagne. Washington, 23 novembre 1953

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 20 décembre 1955.

No. 3071. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO THE PURCHASE OF EQUIPMENT AND MATERIALS FOR INTERNAL POLICE USE IN THE FEDERAL REPUBLIC OF GERMANY. WASHINGTON, 23 NOVEMBER 1953

I

*The Secretary of State to the Ambassador, Chargé d'Affaires of the
Federal Republic of Germany*

DEPARTMENT OF STATE, WASHINGTON

Nov. 23 1953

Excellency :

I have the honor to refer to recent conversations between representatives of our two Governments concerning proposed purchases by the Federal Republic from the United States of certain equipment for police use.

The Federal Republic of Germany has been determined to be eligible to receive from the Government of the United States of America on a reimbursable basis certain equipment and materials for internal police use under the authority and subject to the provisions of Section 408 (e) of the Mutual Defense Assistance Act of 1949,² as amended.³ As has been pointed out in the course of the recent conversations, the provisions of this law and the policy of the United States Government require that certain assurances be received before completing any transactions under Section 408 (e) of the Act.

It is the understanding of the Government of the United States that the Government of the Federal Republic of Germany is prepared to give the following assurances :

1. Such equipment, materials or services as may be acquired from the Government of the United States under this Agreement are required for and will be used solely to maintain the internal security of the Federal Republic and the Federal

¹ Came into force on 23 November 1953 by the exchange of the said notes.

² United States of America : 63 Stat. 720.

³ United States of America : 64 Stat. 376 ; 22 U. S. C. § 1580.

Republic of Germany will not undertake any act of aggression against any other state.

2. The Government of the Federal Republic of Germany will not relinquish title to or possession of any equipment, materials, information or services furnished under this Agreement, unless otherwise mutually agreed by the two Governments.

3. The Government of the Federal Republic of Germany will take such security measures as may be agreed in each case in order to prevent a disclosure or compromise of classified equipment, materials, services or information furnished by the United States pursuant to this agreement.

4. It is understood that, prior to the transfer of any item or the rendering of any service under this Act, the Government of the United States retains the right to terminate the transaction.

5. The Government of the Federal Republic of Germany is prepared to accept terms and conditions of payment for any item or service which may be furnished under the Mutual Defense Assistance Act of 1949, as amended, which are in accord with the provisions of Section 408 (e) of that Act.

I have the honor to propose that this note, together with your reply confirming these assurances, constitute an agreement between the Government of the United States and the Government of the Federal Republic of Germany, effective on the date of your note.

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

For the Secretary of State :

Geoffrey W. LEWIS

Acting Director

Office of German Affairs

His Excellency Doctor Heinz L. Krekeler
Ambassador, Chargé d'Affaires of the Federal
Republic of Germany

II

*The Ambassador, Chargé d'Affaires of the Federal Republic of Germany
to the Secretary of State*

DIPLOMATIC MISSION OF THE FEDERAL REPUBLIC OF GERMANY
WASHINGTON 9, D. C.

Excellency :

I have the honor to refer to your Excellency's note of Nov. 23, 1953 concerning the assurances required from the Government of the Federal Republic of Germany

prior to the completion of the arrangements between the Government of the Federal Republic of Germany and the Government of the United States of America for the supply of certain military equipment and materials, on a reimbursable basis, under the provisions of Section 408(e) of the Mutual Defense Assistance Act of 1949, as amended.

The Government of the Federal Republic of Germany assures the Government of the United States as proposed in your note, as follows :

[See note I]

The Government of the Federal Republic of Germany concurs with your proposal that this note, together with your note dated Nov. 23, 1953, referred to above, constitutes an agreement covering all transactions on this subject between the two Governments, the said agreement to enter into force on the date of this note.¹

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

Heinz L. KREKELER

His Excellency The Secretary of State of the United States
Department of State
Washington, D. C.

¹ The following information is given by the Department of State of the United States of America (*Treaties and Other International Acts Series 2911*, p. 3, footnote 1) : "Undated, but delivered to the Department of State on Nov. 23, 1953."