

No. 3275

**UNITED STATES OF AMERICA
and
ITALY**

**Exchange of notes constituting an agreement relating to
the loan of two submarines to Italy. Washington,
27 April 1954**

Official text: English.

Registered by the United States of America on 17 April 1956.

**ÉTATS-UNIS D'AMÉRIQUE
et
ITALIE**

**Échange de notes constituant un accord relatif au prêt de
deux sous-marins à l'Italie. Washington, 27 avril 1954**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 17 avril 1956.

No. 3275. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND ITALY RELATING TO THE LOAN OF TWO SUBMARINES TO ITALY. WASHINGTON, 27 APRIL 1954

I

The Acting Secretary of State to the Italian Ambassador

DEPARTMENT OF STATE
WASHINGTON

April 27, 1954

Excellency :

I have the honor to refer to recent conversations between representatives of our two Governments concerning a loan by the Government of the United States to the Government of Italy of two submarines, the *Barb* (SS-220) and the *Dace* (SS-247).

I also confirm the understandings reached as a result of those conversations as follows :

1. The Government of Italy will retain possession of and will use these submarines primarily to provide training for Italian units in antisubmarine warfare and in accordance with the conditions contained in the Mutual Defense Assistance Agreement between our two Governments signed on January 27, 1950,² and amended on January 7, 1952.³
2. This loan shall remain in effect for a period of not more than five years from the date of delivery of the submarines. The Government of the United States may, however, request the return of the submarines at an earlier date if such action is necessitated by its own defense requirements in which event the Government of Italy will promptly re-deliver the submarines in accordance with paragraph 6 below.
3. Each submarine, together with its available on-board spares and allowances, including consumable stores and fuel, will be delivered to the Government of Italy at such a place and time as may be mutually agreed upon, each delivery to be evidenced by a delivery certificate. The Government of Italy shall have the use of all outfittings, equipment, appliances, fuel, consumable stores and spares and replacement parts on board the submarines at the time of their delivery.

¹ Came into force on 27 April 1954 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 80, p. 145.

³ United Nations, *Treaty Series*, Vol. 179, p. 165.

4. While the Government of Italy may place each submarine under the Italian flag, the title to the submarines, and to the appurtenances enumerated in paragraph 3 except fuel, consumable stores, spares and replacement parts, shall remain in the Government of the United States. The Government of Italy shall not, without the consent of the Government of the United States, relinquish physical possession of the submarines or any such appurtenances.

5. The Government of Italy renounces all claims which might arise against the Government of the United States in connection with the transfer, use or operation of the submarines and will save the Government of the United States harmless from any claim asserted by third parties in such connection.

6. Upon expiration or termination of the loan as provided in paragraph 2, each submarine, unless lost, shall be redelivered at a place and time to be specified by the Government of the United States in substantially the same condition, except for fair wear and tear or for damage caused through enemy action, including action by hostile forces, as it was when transferred to the Government of Italy. Any appurtenances of the type enumerated in paragraph 3 on board the submarines at the time of redelivery shall, if they are not already the property of the United States, become the property of the United States. Should either submarine be damaged or lost through enemy action, including action by hostile forces, the Government of Italy shall be exempted from liability for such damage or loss. Should either submarine sustain damage from any cause, such as in the opinion of the Government of Italy renders it a total loss, the Government of Italy shall consult with the Government of the United States before declaring it a total loss. If either submarine is lost from causes other than enemy action, including action by hostile forces, or if it is not in substantially the same condition at the time of redelivery as it was when originally transferred and such condition is not the result of damage caused through enemy action, including action by hostile forces, the Government of Italy agrees to pay the Government of the United States fair and reasonable compensation as may be agreed upon.

I propose that, if these understandings meet with the approval of the Government of Italy, the present note and your note in reply will be considered as confirming these understandings in accordance with the last sentence of Article I, paragraph one of the Mutual Defense Assistance Agreement between our two Governments.

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

For the Acting Secretary of State :

James C. H. BONBRIGHT

His Excellency Signor Alberto Tarchiani
Ambassador of Italy

II

*The Italian Ambassador to the Acting Secretary of State*AMBASCIATA D'ITALIA¹

WASHINGTON, D.C.

N. 5932

April 27, 1954

Mr. Acting Secretary :

I refer to your note of April 27, 1954 and to recent conversations between representatives of our two governments concerning a loan by the Government of the United States to the Government of Italy of two submarines, the *Barb* (SS-220) and the *Dace* (SS-247).

I also confirm the understandings reached as a result of those conversations as follows :

[See note I]

I have the honor to inform you that the above understandings meet with the approval of the Government of Italy and that my Government agrees that the present note and your note of April 27, 1954 will be considered as confirming these understandings in accordance with the final sentence of Article 1, paragraph 1 of the Mutual Defense Assistance Agreement between our two countries.

Accept, dear Mr. Secretary, the renewed assurance of my highest consideration.

Alberto TARCHIANI

The Honorable Bedell Smith
Acting Secretary of State
Department of State
Washington 25, D.C.

¹ Italian Embassy.