

No. 3292

**UNITED STATES OF AMERICA
and
BELGIUM**

Exchange of notes (with agreed minute) constituting an agreement relating to a special program of facilities assistance. Brussels, 23 November 1954

Official texts of the notes: English and French.

Official text of the Agreed Minute: English.

Registered by the United States of America on 25 April 1956.

**ÉTATS-UNIS D'AMÉRIQUE
et
BELGIQUE**

Échange de notes (avec procès-verbal approuvé) constituant un accord relatif à un programme spécial d'aide en moyens de production. Bruxelles, 23 novembre 1954

Textes officiels des notes: anglais et français.

Texte officiel du procès-verbal approuvé: anglais.

Enregistré par les États-Unis d'Amérique le 25 avril 1956.

No. 3292. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND BELGIUM RELATING TO A SPECIAL PROGRAM OF FACILITIES ASSISTANCE. BRUSSELS, 23 NOVEMBER 1954

I

The American Ambassador to the Belgian Minister for Foreign Affairs

AMERICAN EMBASSY

No. 526

Brussels, November 23, 1954

Excellency :

I have the honor to refer to recent discussions between representatives of our two Governments concerning a special program of facilities assistance by the Government of the United States of America to the Government of Belgium to be carried out in accordance with the principles and conditions set forth in the Mutual Defense Assistance Agreement between our two Governments, dated January 27, 1950,² as supplemented by an exchange of notes dated January 7, 1952,³ and such other applicable agreements as may be in force between our two Governments. The purpose of this program is to increase the capacity of Belgium to produce propellants and explosives, such increased capacity being urgently needed for the mutual defense of the North Atlantic Treaty countries.

As a result of these discussions, the following understandings were arrived at :

- (1) The Government of Belgium undertakes that in connection with the facilities assistance to be furnished by the United States :
- (a) It will not discriminate in the sale of propellants and explosives against any North Atlantic Treaty country in terms of the price charged, and the quality made available, delivery dates, or in any other manner.
 - (b) It will maintain the additional facilities made available through United States assistance so that they will be in a condition to produce propellants and explosives promptly when they may be required ; but pending such time, equipment furnished by the

¹ Came into force on 23 November 1954 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 51, p. 213, and Vol. 222, p. 391.

³ United Nations, *Treaty Series*, Vol. 179, p. 81.

United States and such additional facilities may be used for other purposes, provided such use will not interfere with the ready availability of such equipment and facilities for the production of propellants and explosives.

- (c) It will furnish all of the land, buildings, equipment, materials, and services required for the additional production facilities, except for the equipment and technical advice to be furnished by the Government of the United States of America, and will take whatever measures are required to accomplish the increase in production facilities envisaged in the program.

(2) It is mutually understood that the appropriation of funds by the United States Congress for the Facilities Assistance Program was for the purpose of assisting in the creation of a net addition to European ammunition production capacity. In furtherance of this purpose, the Government of Belgium undertakes that, in addition to the new facilities provided for hereunder, it will maintain or cause to be maintained in useable condition a total production capacity for propellants and explosives which shall not be less than the aggregate of that now existing and that already programmed for construction in Belgium whether under private or public ownership.

(3) The undertakings in Paragraph 1 (b) and in Paragraph 2 with respect to the maintenance of facilities are subject to the understanding that should changed conditions make continued compliance with this undertaking either unnecessary as a matter of defense or unfeasible, the Government of Belgium may, after consultation with the Government of the United States of America, modify this undertaking to accord with such changed conditions.

(4) The Government of the United States of America will, subject to the terms and conditions of any applicable United States legislation, furnish to the Government of Belgium such production equipment and technical advice as may be mutually arranged as provided in Paragraph 5 hereof.

(5) In carrying out the Facilities Assistance Program, our two Governments, acting through their appropriate contracting officers, will enter into supplementary arrangements covering the specific projects involved, which will set forth the nature and amounts of the contributions to be made by the Government of the United States of America and the Government of Belgium, the description and purpose of the facilities to be established, and other appropriate details. Such arrangements may include provisions for the procurement of equipment to be furnished by the Government of the United States of America from the Government of Belgium under the Offshore Procurement Program, and the transfer of such equipment to the Government of Belgium in accordance with the provisions of the Mutual Defense Assistance Agreement.

I propose that if these understandings meet with the approval of the Government of Belgium, the present note and your note in reply shall be considered as constituting a confirmation of these arrangements pursuant to Article I, Paragraph 1 of the Mutual Defense Assistance Agreement between our two Governments.

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

F. M. ALGER, Jr.

His Excellency M. Paul-Henri Spaak
Minister for Foreign Affairs

II

The Belgian Minister for Foreign Affairs to the American Ambassador

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS, AND FOREIGN TRADE
OFFICE OF THE DIRECTOR GENERAL OF FOREIGN TRADE

B5/OS/07321

Brussels, November 23, 1954

Mr. Ambassador,

By a letter dated today, Your Excellency was good enough to communicate to me the following message :

[*See note I*]

I have the honor to confirm to Your Excellency my Government's approval of the foregoing.

I avail myself of this occasion, Mr. Ambassador, to renew to Your Excellency the assurance of my highest consideration.

The Minister for Foreign Affairs :

P. H. SPAAK

His Excellency M. P. Alger, Jr.
Ambassador of the United States of America
Brussels

Brussels, November 23, 1954

AGREED MINUTÉ REGARDING THE FACILITIES
ASSISTANCE PROGRAM IN BELGIUM

In the course of the negotiations in connection with the Facilities Assistance Program the question arose as to the disposition of the title to the equipment to be furnished the Belgian Government. The United States representatives explained that the Belgian Government will have title to the equipment but that its ability to transfer title to that equipment to Belgian private industry was subject to later agreement with the United States Government.

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

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

The main concern of the United States Government is the continued existence of Belgian capacity to produce propellants and explosives and the commitment of the Belgian Government to maintain such facilities. At a later time, when the program has fulfilled its purpose, or the equipment is no longer useful to the program, the two Governments will consider together within the framework of agreements then in effect the relinquishment by the United States of any further interest in the equipment.

P. H. S.

F. M. A., Jr.