

No. 3296

**UNITED STATES OF AMERICA
and
SPAIN**

**Exchange of notes constituting an agreement relating to
a special program of facilities assistance. Madrid,
9 April and 11 and 19 May 1954**

Official texts: English and Spanish.

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

**ÉTATS-UNIS D'AMÉRIQUE
et
ESPAGNE**

**Échange de notes constituant un accord relatif à un
programme spécial d'aide en moyens de production.
Madrid, 9 avril et 11 et 19 mai 1954**

Textes officiels anglais et espagnol.

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

No. 3296. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND SPAIN RELATING TO A SPECIAL PROGRAM OF FACILITIES ASSISTANCE. MADRID, 9 APRIL AND 11 AND 19 MAY 1954

I

The American Ambassador to the Spanish Minister of Foreign Affairs

NOTE VERBALE

No. 358

The Ambassador of the United States of America presents his compliments to His Excellency, the Minister of Foreign Affairs of the Government of Spain, and has the honor to transmit herewith a paper entitled "Proposed Bilateral Arrangements for Facilities Assistance Program".

It is the desire of the United States Government to conclude an agreement with the Government of Spain for the purpose stated in the attached paper, namely to assure the participation of the Spanish Government in the Facilities Assistance Program which is intended to increase the capacity of friendly Western European countries to produce propellants and explosives.

It may be recalled that a team of United States ordnance specialists visited Spain in November 1953 to make a survey, in collaboration with the Spanish Ministry of the Army, of factories producing propellants and explosives. As a result of the survey, certain facilities existing in Spain have been considered as potentially suitable to benefit from any funds which might be made available to Spain under the Facilities Assistance Program, when and as a mutually satisfactory agreement shall have been concluded between Spain and the United States.

The Embassy would appreciate being informed as to whether the Government of Spain desires to conclude an agreement relating to the terms of participation in such a program should funds become available. In the event that the reply of the Spanish Government is in the affirmative, the Embassy of the United States would welcome the views of the Spanish Government with regard to the attached paper entitled "Proposed Bilateral Arrangements for Facilities Assistance Program" as a basis for discussions.

Madrid, April 9, 1954

Enclosure :

Paper entitled "Proposed Bilateral Arrangements for Facilities Assistance Program".

¹ Came into force on 19 May 1954 by the exchange of the said notes.

PROPOSED BILATERAL ARRANGEMENTS FOR FACILITIES ASSISTANCE PROGRAM

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 to the Government of Spain to be carried out in accordance with the principles and conditions set forth in the Mutual Defense Assistance Agreement between our two Governments, dated September 26, 1953¹ as supplemented by an exchange of notes dated September 26, 1953,¹ 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 Spain to produce propellants and explosives, such increased capacity being urgently needed for the development and maintenance of Spain's own defensive strength and the defensive strength of the free world.

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

1. The Government of Spain 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, 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 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, 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 Spain 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 be not less than the aggregate of that now existing and that already programmed for construction in Spain, whether under private or public ownership.

3. The undertakings in paragraph 1 (b) and in paragraph 2 with respect to the maintenance of facilities is subject to the understanding that should changed conditions make continued compliance with this undertaking either unnecessary as a matter of defense or unfeasible, the Spanish Government may, after consulta-

¹ United Nations, *Treaty Series*, Vol. 207, p. 61.

tion with the United States Government, modify this undertaking in accord with such changed conditions.

4. The Government of the United States will, subject to the terms and conditions of any applicable United States legislation, furnish to the Government of Spain 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 and the Government of Spain, 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 United States Government from the Government of Spain under the offshore procurement program, and the transfer of such equipment to the Government of Spain 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 Spain, 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.

Madrid, April 8, 1954

II

The Spanish Minister of Foreign Affairs to the American Ambassador

[SPANISH TEXT — TEXTE ESPAGNOL]

[TRANSLATION¹ — TRADUCTION²]

MINISTERIO DE ASUNTOS EXTERIORES

MINISTRY OF FOREIGN AFFAIRS

D. 3

D. 3

Núm. 348

No. 348

Madrid, 11 de mayo de 1954

Madrid, May 11, 1954

Excmo. Señor :

Muy señor mío :

Excellency :

Tengo la honra de acusar recibo a V. E. de su Nota Verbal número 358, de fecha 9 de abril último, así como del documento adjunto a la misma, titulado "Propuesta de Acuerdos Bilaterales para

I have the honor to acknowledge receipt of Your Excellency's note verbale No. 358, dated April 9, 1954, as well as the document enclosed therewith, entitled "Proposed Bilateral Arrange-

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

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

un Programa de Ayuda para Instalaciones”, en la que me comunica el deseo de su Gobierno de concertar con el de España un Acuerdo para asegurar la participación de mi país en el Programa de Ayuda para Instalaciones destinado a incrementar la capacidad de los países amigos del Occidente de Europa en la producción de pólvoras y explosivos.

En su respuesta, tengo la honra de participar a V. E. que el Gobierno español estaría dispuesto a concertar con el Gobierno de los Estados Unidos un Acuerdo como el que me propone, y tomar como base de negociación del mismo el documento que venía adjunto a la Nota que tengo la honra de contestar a V. E.

Aprovecho esta oportunidad, Señor Embajador, para reiterar a V. E. el testimonio de mi alta consideración.

[SELLO] Alberto MARTÍN ARTAJO

Excmo. Sr. James Clement Dunn
Embajador Extraordinario y Plenipotenciario de los Estados Unidos de América
Madrid

ments for a Facilities Assistance Program”, in which you inform me of your Government’s desire to conclude with that of Spain an agreement to ensure the participation of my country in the Facilities Assistance Program to increase the capacity of friendly Western European countries to produce propellants and explosives.

In reply, I have the honor to inform Your Excellency that the Spanish Government is prepared to conclude with the Government of the United States an agreement such as the one you propose to me, and to take as a basis for its negotiation the document enclosed with the note which I have the honor to answer.

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

[SEAL] Alberto MARTÍN ARTAJO

His Excellency James Clement Dunn
Ambassador Extraordinary and Plenipotentiary of the United States of America
Madrid

III

The Spanish Minister of Foreign Affairs to the American Ambassador

[SPANISH TEXT — TEXTE ESPAGNOL]

[TRANSLATION¹ — TRADUCTION²]

MINISTERIO DE ASUNTOS EXTERIORES

MINISTRY OF FOREIGN AFFAIRS

Núm. 385

No. 385

Madrid, 19 de mayo de 1954

Madrid, May 19, 1954

Excmo. Señor :

Muy señor mío :

Excellency :

Como continuación a mi Nota N° 348, de 11 del actual y con referencia a la de V. E. N° 358, de 9 de abril último, relativas ambas a la participación de España en el Programa de Ayuda para Instalaciones en el Occidente de Europa, destinado a incrementar la capacidad de producción de pólvoras y explosivos de los países amigos y habiendo este Ministerio recibido la conformidad de las autoridades militares competentes al proyecto anejo a la comunicación citada de V. E., tengo la honra de confirmar que el Gobierno español está conforme en concertar un acuerdo a los efectos expresados.

Por tanto y según lo previsto en el apartado 1º, artículo 1º, del Convenio relativo a la Ayuda para la Mutua Defensa, firmado en 26 de septiembre del pasado año entre nuestros dos Gobiernos y de acuerdo con lo expresado en la repetida Nota de V. E. de 9 de abril, significo a V. E. que su citada Nota y esta presente mía deben considerarse como expresión de la conformidad de ambas partes en dar su aprobación definitiva al Acuerdo anejo a su escrito

With reference to my note No. 348 of the 11th of this month and to Your Excellency's note No. 358 of April 9, 1954, both relating to Spain's participation in the Facilities Assistance Program for Western Europe to increase the capacity of friendly countries to produce propellants and explosives, since this Ministry has received the agreement of the competent military authorities to the draft enclosed with Your Excellency's aforementioned communication, I have the honor to confirm that the Spanish Government is prepared to conclude an agreement for the purposes stated.

Therefore, pursuant to paragraph 1, Article 1, of the Mutual Defense Assistance Agreement, signed by our two Governments on September 26, 1953, and in accordance with the contents of Your Excellency's note of April 9, I wish to inform Your Excellency that your note and this reply are to be regarded as expressing the willingness of both parties to give their definitive approval to the arrangement enclosed with your communica-

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

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

y cuyo texto español adjunto ha de considerarse como auténtico.

Aprovecho esta oportunidad, señor Embajador, para reiterar a V. E. el testimonio de mi alta consideración.

Alberto MARTÍN ARTAJO

Excmo. Señor James Clement Dunn
Embajador de los Estados Unidos de
América

tion, the attached Spanish text of which must be considered authentic.

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

Alberto MARTÍN ARTAJO

His Excellency James Clement Dunn
Ambassador of the United States of
America

[TRADUCCIÓN]

PROPUESTA DE ACUERDOS BILATERALES PARA UN PROGRAMA DE AYUDA
PARA INSTALACIONES

Excmo. Señor :

Tengo la honra de referirme a recientes conversaciones mantenidas entre representantes de nuestros dos Gobiernos, relativas a un Programa Especial de Ayuda para Instalaciones por el Gobierno de los Estados Unidos al Gobierno de España, que se cumplimentaría de acuerdo con los principios y condiciones establecidos en el Convenio relativo a la Ayuda para Mutua Defensa entre nuestros dos Gobiernos, fechado el 26 de Septiembre de 1953, y complementado por un intercambio de Notas de fecha 26 de Septiembre de 1953 y por aquellos otros Acuerdos aplicables que puedan estar vigentes entre nuestros dos Gobiernos. El propósito de este Programa es el de incrementar la capacidad de España para producir pólvoras y explosivos, ya que se necesita urgentemente tal capacidad incrementada para el desarrollo y mantenimiento de la propia fuerza defensiva de España y de la fuerza defensiva del mundo libre,

Como resultado de estas conversaciones, se ha llegado al siguiente entendimiento :

1. — El Gobierno de España se compromete, en relación con la Ayuda para Instalaciones que ha de ser prestada por los Estados Unidos :

a) A no establecer discriminación en la venta de pólvoras y explosivos frente a ningún país del Tratado del Atlántico Norte con relación al precio que se exige, calidad que se facilita, fechas de entrega, o en cualquier otra forma.

b) A mantener las instalaciones adicionales de que disponga en virtud de la Ayuda que, a tal respecto, le faciliten los Estados Unidos, de forma que estén en situación de producir pólvoras y explosivos rápidamente, cuando se necesiten ; pero, hasta ese momento, el equipo facilitado por los Estados Unidos y las referidas instalaciones adicionales podrán ser utilizados para otros fines, a condición de que esta utilización no interfiera con la pronta disponibilidad de tal equipo e instalaciones para la producción de pólvoras y explosivos.