

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

Exchange of notes (with enclosures) constituting an agreement relating to relief supplies and packages. Frankfurt am Main, 10 April 1951, Bonn, 25 May 1951, and Frankfurt am Main, 7 June 1951

Exchange of notes constituting an agreement amending the above-mentioned Agreement. Bad Godesberg, 8 July 1952, and Bonn, 6 September 1952

Official texts: English and German.

Registered by the United States of America on 8 May 1956.

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

Échange de notes (avec pièces jointes) constituant un accord relatif aux fournitures et colis de secours. Francfort-sur-le-Main, 10 avril 1951, Bonn, 25 mai 1951, et Francfort-sur-le-Main, 7 juin 1951

Échange de notes constituant un accord modifiant l'Accord susmentionné. Bad-Godesberg, 8 juillet 1952, et Bonn, 6 septembre 1952

Textes officiels anglais et allemand.

Enregistré par les États-Unis d'Amérique le 8 mai 1956.

No. 3360. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO RELIEF SUPPLIES AND PACKAGES. FRANKFURT AM MAIN, 10 APRIL 1951, BONN, 25 MAY 1951, AND FRANKFURT AM MAIN, 7 JUNE 1951

I

*The American Economic Cooperation Administration Special Representative
to the Chancellor of the Federal Republic of Germany*

Frankfurt am Main, April 10, 1951

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

Excellency :

With reference to your letter 300-12 II/1777/51 of March 1, 1951,² concerning the duty-free entry into the Federal Republic of relief shipments and the subsidization of transportation costs for such shipments, I have the honor to inform you that the correctness of the enclosed Memorandum is hereby confirmed with the exception of paragraph 2c where the date in the second sentence should read July 1, 1950 in lieu of June 30, 1950. I have the honor further to inform you that I herewith approve the amendments proposed in the Memorandum with this minor change as an integral part of the original proposed agreement submitted under reference number 300-12 II 9518/50 on October 14, 1950.²

I enclose herewith the implementing Agreement and the Memorandum incorporating all the changes, and would appreciate it if you informed me at an early date whether you approve the Agreement and the Memorandum as submitted. The date of receipt of your letter of confirmation may then be considered the date of conclusion of the Agreement between the Federal Republic and the United States of America.

Accept, Excellency, the renewed assurances of my most distinguished consideration.

John J. McCLOY
ECA Special Representative

2 Enclosures :

1. Agreement.
2. Memorandum.

¹ Came into force on 29 May 1951, with retroactive effect from 29 December 1949, in accordance with the terms of the said notes.

² Not printed by the Department of State of the United States of America.

AGREEMENT BETWEEN THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING THE DUTY-FREE ENTRY INTO THE FEDERAL REPUBLIC OF RELIEF SHIPMENTS AND THE DEFRAYMENT OF TRANSPORTATION COSTS FOR SUCH SHIPMENTS

I. 1. The Federal Republic of Germany will grant duty-free entry to relief shipments imported from the United States of America into the area of the Federal Republic of Germany in such cases where :

- a) The Administrator for Economic Cooperation will pay ocean freight charges pursuant to Regulation No. 2 issued by him ;
- b) The Administrator for Economic Cooperation will pay ocean freight charges pursuant to Regulation No. 3 in the version of November 5, 1949 issued by him ;
- c) The Administrator for Economic Cooperation will pay ocean freight charges pursuant to Regulation No. 5 issued by him, and the carrier has appointed an agent in the Federal Republic who shall be responsible for the forwarding of the consignment to the addressees.

2. If the provisions in force in the territory of the Federal Republic of Germany at the time of importation :

- a) do not permit the duty-free entry of certain goods as relief shipments, these goods shall be excepted from duty-free treatment pursuant to this Agreement ;
- b) prescribe quantity limitations for certain goods, such limits shall not be exceeded.

The Government of the Federal Republic of Germany will inform the Government of the United States of America about the pertinent provisions.

II. 1. When complete vouchers are submitted to it, the Government of the Federal Republic of Germany will reimburse the following transportation costs specified in Article IV, Item 5, of the Agreement on Economic Cooperation, of December 15, 1949,¹ for consignments granted duty-free treatment pursuant to para's I, 1 and 2 :

- a) In the case of packages for which ocean freight charges are paid by the Administrator for Economic Cooperation pursuant to Regulation No. 2 issued by him ; parcel post charges, computed by the German Postal Service in accordance with the Universal Postal Union regulations applicable at the time of shipment. For such shipments no claims for reimbursement shall be made to the United States of America ;
- b) In the case of shipments for which ocean freight charges are paid by the Administrator for Economic Cooperation pursuant to Regulation No. 3 issued by him ; the costs in D-Mark, arising to the recipient organization for transportation to the point of delivery designated by that organization ;
- c) In the case of shipments for which ocean freight charges are paid by the Administrator for Economic Cooperation pursuant to Regulation No. 5 issued by him ; the charges and fees of the agent as well as the costs arising to the latter for transportation to the recipient designated by the donor.

¹ United Nations, *Treaty Series*, Vol. 92, p. 269 ; Vol. 141, p. 390, and Vol. 212, p. 329.

2. The Government of the Federal Republic of Germany will make the payments undertaken by it pursuant to Item II, 1., from the ERP¹ Special Account, and shall submit to the ECA Special Mission for Germany a monthly report in duplicate in a form to be agreed upon with the Mission.

III. In case an examination conducted by the ECA Special Mission for Germany shows that this Agreement has not been adhered to, the Federal Republic of Germany will make corresponding adjustments of the ERP Special Account, if requested to do so by the ECA Special Mission.

IV. The above Agreement shall come into force on December 29, 1949. Unless amended or cancelled by mutual consent, this Agreement shall remain in force during the life of the Agreement on Economic Cooperation, of December 15, 1949, concluded between the Federal Republic of Germany and the United States of America.

MEMORANDUM

Regarding the application and interpretation of the Agreement on Duty-Free Entry into the Federal Republic of Relief Shipments and the Defrayment of Transportation Costs for such Shipments, the Contracting Parties agree on the following points :

- a. Reimbursement of transportation costs pursuant to paragraph 203.3 (b) (7) and (b) (9) of ECA Regulation No. 3 in the version of November 5, 1949, will be granted only, if the receiving organization has made arrangements with the Federal Government regarding the carrying-out of its operations in Germany ;
- b. Some donators of relief supplies who do not claim reimbursement of ocean freight charges desire, however, for justifiable reasons reimbursement of inland transportation costs. In such cases the provisions of Sections I and II will become effective only where ECA ascertains that reimbursement of ocean freight charges would have been admissible under ECA Regulation No. 3 and where it informs the Federal Government thereof ;
- c. The Head of the ECA Mission to Germany, in his letter of June 29, 1950,² informed the Federal Minister for ERP Matters that ocean freight charges for certain relief supplies shipped from the United States after June 30, 1950 will no longer be reimbursed and that consequently reimbursement of inland transportation costs for these shipments will not be made. On the basis of this modification, the proposed exemptions from duty on shipments referred to in detail in Section I. 1a and 1c of the letter will only be applied if the relief supplies were shipped from the United States prior to July 1, 1950 ;
- d. The Federal Government does not intend to issue new regulations regarding relief supplies within the meaning of the Agreement with retroactive effect for the period between December 29, 1949 and the date of conclusion of the Agreement, which could result in levying of charges ;
- e. Pursuant to Article III the Federal Government shall be obligated to repay those amounts, the payment of which from the ERP Special Account was not justifiable under the provisions of the contemplated Agreement.

¹ European Recovery Program.

² Not printed by the Department of State of the United States of America.

For this reason the Federal Government will issue the appropriate regulations and continuously supervise the reimbursement of transportation costs.

In the exercise of its right of audit, the ECA Mission will confine this right to ascertain whether the stipulations of the Agreement have been adhered to.

II

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

[GERMAN TEXT — TEXTE ALLEMAND]

[TRANSLATION¹ — TRADUCTION²]

BUNDESREPUBLIK DEUTSCHLAND
DER BUNDESKANZLER

THE FEDERAL REPUBLIC OF GERMANY
THE FEDERAL CHANCELLOR

Bonn, den 25. Mai 1951

Bonn, May 25, 1951

300-12 II/5448/51

300-12 II/5448/51

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

His Excellency John J. McCloy
High Commissioner of the
United States of America
Bonn-Petersberg

Herr Hoher Kommissar,

My dear Mr. High Commissioner,

Auf Ihr Schreiben vom 10. April 1951 betreffend die zollfreie Einfuhr caritativer Sendungen in die Bundesrepublik und die Erstattung der Transportkosten für diese Sendungen beehre ich mich, Euerer Exzellenz mitzuteilen, dass ich das Abkommen und das Memorandum in der von Ihnen mit Schreiben vom 10. April 1951 übersandten Form billige.

In reply to your letter of April 10, 1951, concerning the duty-free importation of relief parcels into the Federal Republic and the payment of the transportation costs for these parcels, I have the honor to inform Your Excellency that I approve the agreement and the memorandum in the form you transmitted by your letter of April 10, 1951.

Ich wäre Ihnen dankbar, wenn Sie mir das Datum des Eingangs meines Bestätigungsschreibens, das als Datum des Abschlusses des Abkommens zwischen der Bundesrepublik und den Vereinigten Staaten von Amerika gelten soll, mitteilen wollten.

I should appreciate it if you would inform me of the date of the receipt of my letter of acknowledgment, which is to be considered the date of the conclusion of the agreement between the Federal Republic and the United States of America.

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

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

(gez.) ADENAUER

(Signed) ADENAUER

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

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

III

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

HEADQUARTERS BUILDING

FRANKFURT AM MAIN

June 7, 1951

My dear Chancellor Adenauer :

In reply to your letter of May 25, 1951, indicating your concurrence in the agreement on duty-free import into the Federal Republic of charitable shipments and reimbursement for the transportation costs of such shipments, I wish to inform you that your letter was received in the Office of the United States Secretary, Allied General Secretariat, on May 29, 1951, which date is to be considered as the effective date of the agreement.

Sincerely yours.

John J. McCLOY

United States High Commissioner for Germany

His Excellency the Chancellor of the Federal Republic for Germany
Palais Schaumburg
Bonn

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND THE
FEDERAL REPUBLIC OF GERMANY AMENDING THE
AGREEMENT CONCLUDED BY AN EXCHANGE OF
NOTES OF 10 APRIL, 25 MAY AND 7 JUNE 1951,
RELATING TO RELIEF SUPPLIES AND PACKAGES².
BAD GODESBERG, 8 JULY 1952, AND BONN, 6 SEPTEMBER 1952

I

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

Bad Godesberg, Mehlemer Aue, July 8, 1952

My Dear Mr. Chancellor :

I have just been advised that the President of the United States of America has instructed the Department of State to assume the responsibility for administering, effective July 1, 1952, the new Section 535 of the Mutual Security Agency Act of 1951, as amended,³ for the United States fiscal year of 1953, commencing on July 1, 1952.

This Section supersedes Section 117 (C) of the Economic Cooperation Administration Act of 1948⁴ and grants the authority to continue the reimbursement of ocean freight charges for shipment of relief supplies by voluntary agencies registered with and approved by the Advisory Committee on Voluntary Foreign Aid.

As a consequence, I have the honor to propose that all references to the Economic Cooperation Administration in the Agreement of May 29, 1951,² between the Government of the Federal Republic of Germany and the Government of the United States of America on the duty-free entry of relief packages into the Federal Republic and the reimbursement of transportation cost for such shipments, and any amendments thereto, shall be deemed to include any agency of the United States Government, designated by the President of the United States to implement the provisions prescribed in Section 535 of the Mutual Security Act of 1951, as amended.

In addition, I have the honor to request that the reports provided for in Article II, paragraph 2 of the Agreement, shall be submitted to the Office of the United States High Commissioner for Germany, Office of Executive Director, in a form

¹ Came into force on 6 September 1952 by the exchange of the said notes and, in accordance with their terms, became operative retroactively from 1 July 1952.

² See p. 162 of this volume.

³ United States of America : 66 Stat. 147 ; 22 U.S.C. § 1675 (d).

⁴ United States of America : 62 Stat. 153 ; 22 U.S.C. § 1515 (c).

mutually satisfactory to the Federal German Government and to the Office of the Executive Director. The latter shall also be deemed to carry out the functions prescribed in Article III of the Agreement.

It is understood that the designation "Office of the United States High Commissioner for Germany" shall also be deemed to include its successor organization.

I am informed that members of my staff have met on July 3, 1952 with representatives of the ERP¹ Ministry to work out the necessary implementing arrangements.

I suggest that, if you agree with these amendments and arrangements, they be considered to be effective as of July 1, 1952.

Sincerely yours,

John J. McCLOY
United States High Commissioner for Germany

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

II

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

[GERMAN TEXT — TEXTE ALLEMAND]

[TRANSLATION² — TRADUCTION³]

BUNDESREPUBLIK DEUTSCHLAND
DER BUNDESKANZLER

THE FEDERAL REPUBLIC OF GERMANY
THE FEDERAL CHANCELLOR

Bonn, den 6. September 1952

Bonn, September 6, 1952

300-12 II 11511/52

300-12 II 11511/52

Seiner Exzellenz dem Hohen Kommissar
der Vereinigten Staaten von Amerika
Herrn Botschafter Walter J. Donnelly

His Excellency Ambassador Walter
J. Donnelly
High Commissioner of the
United States of America

Mehlem
Mehlemer Aue, Block III

Mehlemer Aue, Block III
Mehlem

Herr Hoher Kommissar,

Mr. High Commissioner,

Ich beehre mich, hiermit den Empfang des Schreibens Ihres Herrn Vor-

I have the honor to confirm with thanks the receipt of the letter of your

¹ European Recovery Program.

² Translation by the Government of the United States of America.

³ Traduction du Gouvernement des Etats-Unis d'Amérique.

gängers vom 8. Juli 1952 dankend zu bestätigen, in dem er mir mitteilte, dass der Herr Präsident der Vereinigten Staaten von Amerika das State Department angewiesen hat, die Verantwortung dafür zu übernehmen, dass mit Wirkung vom 1. Juli 1952 der neue Artikel 535 des Gesetzes von 1951 über das Amt für gegenseitige Sicherheit (in abgeänderter Fassung) für das am 1. Juli 1952 beginnende Haushaltsjahr 1953 der Vereinigten Staaten in Kraft zu setzen ist.

Ich habe weiter davon Kenntnis genommen, dass hiernach die Erstattung von Überseefrachtgebühren für die Versendung von Unterstützungslieferungen durch Organisationen der freien Wohlfahrtspflege, die bei dem Beratenden Ausschuss für die freiwillige Auslandshilfe registriert und von ihm genehmigt sind, beibehalten wird.

Namens der Bundesregierung erkläre ich mich mit dem Vorschlage einverstanden, dass alle Bezugnahmen auf die Verwaltung für wirtschaftliche Zusammenarbeit in dem Abkommen vom 29. Mai 1951 zwischen der Regierung der Bundesrepublik Deutschland und der Regierung der Vereinigten Staaten von Amerika über die zollfreie Einfuhr von Unterstützungssendungen in die Bundesrepublik und die Erstattung der Beförderungskosten für solche Sendungen und etwaige Änderungen dieses Abkommens dahin aufzufassen sind, dass hierunter jede Dienststelle der Regierung der Vereinigten Staaten fällt, die von dem Präsidenten der Vereinigten Staaten zur Durchführung der in Artikel 535 des Gesetzes von 1951 über die gegenseitige Sicherheit (in abgeänderter Fassung) bestimmt wird.

predecessor dated July 8, 1952, in which he informed me that the President of the United States of America had instructed the Department of State to assume the responsibility for putting into force, effective July 1, 1952, the new Article 535 of the Mutual Security Agency Act of 1951 (as amended) for the United States fiscal year of 1953, commencing on July 1, 1952.

I have also taken note that, hereafter, reimbursement of ocean freight charges for shipments of relief supplies by voluntary relief agencies which have been registered and approved by the Advisory Committee on Voluntary Foreign Aid will continue.

In the name of the Federal Government, I declare my agreement to the proposal that all references to the Economic Cooperation Administration in the agreement of May 29, 1951, between the Government of the Federal Republic of Germany and the Government of the United States of America on the duty-free entry of relief packages into the Federal Republic and the reimbursement of transportation costs for such shipments, and any amendments thereto, shall be deemed to include any agency of the United States Government designated by the President of the United States to implement Article 535 of the Mutual Security Act of 1951 (as amended).

In diesem Zusammenhang darf ich aber darauf hinweisen, dass die in Artikel I, Ziffer 1 und Artikel II, Ziffer 1 unter *a*, *b* und *c* des Abkommens vom 29. Mai 1951 erwähnten Anweisungen des Verwalters für wirtschaftliche Zusammenarbeit weiter bestehen bleiben.

Die in Artikel II, Ziffer 2 des Abkommens vorgesehenen Berichte werden für die Transportkosten, die nach Artikel 535 des Gesetzes von 1951 (in abgeänderter Fassung) erstattet werden, dem Büro des Geschäftsführenden Direktors des Amtes des Hohen Kommissars der Vereinigten Staaten für Deutschland bzw. seiner Nachfolgeorganisation eingereicht werden.

Mit dem Inkrafttreten vorstehender Abänderungen ab 1. Juli 1952 erkläre ich mich einverstanden.

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

ADENAUER

In this connection, however, I should like to point out that the instructions of the Administrator for Economic Cooperation mentioned in Article I, paragraph 1, and Article II, paragraph 1, under *a*, *b*, and *c* of the agreement of May 29, 1951, will continue to be valid.

The reports provided for in Article II, paragraph 2, of the agreement, for the transportation costs which will be reimbursed in accordance with Article 535 of the Act of 1951 (as amended), will be submitted to the Office of the Executive Director of the Office of the United States High Commissioner for Germany or its successor organization.

I declare my agreement to the entry into force of these amendments as of July 1, 1952.

Accept, Mr. High Commissioner, the expression of my most distinguished consideration.

ADENAUER