

No. 3553

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**UNITED STATES OF AMERICA  
and  
NETHERLANDS**

**Exchange of notes constituting an agreement relating to a  
special facilities assistance program. The Hague,  
29 April 1955**

*Official text: English.*

*Registered by the United States of America on 9 October 1956.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
PAYS-BAS**

**Échange de notes constituant un accord relatif à un pro-  
gramme spécial d'aide en moyens de production. La  
Haye, 29 avril 1955**

*Texte officiel anglais.*

*Enregistré par les États-Unis d'Amérique le 9 octobre 1956.*

No. 3553. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND THE NETHERLANDS RELATING TO A SPECIAL FACILITIES ASSISTANCE PROGRAM. THE HAGUE, 29 APRIL 1955

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I

*The American Ambassador to the Netherlands Minister for Foreign Affairs  
and the Minister Without Portfolio*

AMERICAN EMBASSY

No. 447

The Hague, April 29, 1955

Excellencies :

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 the Kingdom of the Netherlands 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,<sup>2</sup> as supplemented by an exchange of notes dated January 8, 1952,<sup>3</sup> and such other applicable agreements as may be in force between our two Governments. The purpose of this program is to increase the capacity in the Netherlands to produce, maintain or repair ammunition and ammunition components (including propellants and explosives), such increased capacity being urgently needed for the mutual defense of the North Atlantic Treaty<sup>4</sup> countries.

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

- (1) The Government of the Kingdom of the Netherlands undertakes that in connection with the facilities assistance to be furnished by the United States :
- (a) It will not discriminate in the sale of ammunition and ammunition components produced, maintained or repaired in facilities for which the Government of the United States has provided assistance, or in the charges for services in connection

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<sup>1</sup> Came into force provisionally on 29 April 1955 and definitively on 1 July 1955, the date on which the Embassy of the United States was notified that the approval constitutionally required in the Netherlands had been obtained, in accordance with the terms of the said notes.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 80, p. 219.

<sup>3</sup> United Nations, *Treaty Series*, Vol. 179, p. 175.

<sup>4</sup> United Nations, *Treaty Series*, Vol. 34, p. 243; Vol. 126, p. 350, and Vol. 243.

therewith, against any other North Atlantic Treaty country in terms of the price charged, the quality made available, or delivery dates.

- (b) It will maintain the additional facilities made available through United States assistance so that they will be in a condition to produce, maintain or repair ammunition and ammunition components 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, maintenance or repair of ammunition and ammunition components.
- (c) It will furnish all of the land, buildings, equipment, materials and services required for the additional 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 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 and ammunition components production, maintenance or repair capacity. In furtherance of this purpose, the Government of the Kingdom of the Netherlands undertakes that, in addition to the new facilities provided for hereunder, it will maintain or cause to be maintained in useable condition a total capacity for the production, maintenance or repair of ammunition and ammunition components, which shall not be less than the aggregate now existing and that already programmed for construction in the Netherlands under public ownership. The Government of the Kingdom of the Netherlands will, in addition, undertake to assure that private industry receiving assistance under the Facilities Assistance Program will maintain in useable condition its existing and programmed capacity for ammunition and ammunition component production, maintenance or repair. The Government of the Kingdom of the Netherlands will also exert its best efforts to assure that the existing capacity of private enterprises, not receiving assistance hereunder, for ammunition, ammunition components, maintenance and repair will be maintained.

(3) The undertakings in paragraph 1 (b) and in paragraph 2 with respect to the maintenance of facilities are subject to the understanding that if it is agreed that changed conditions make continued compliance with these undertakings either unnecessary as a matter of defense or infeasible, the Government of the Kingdom of the Netherlands may modify these undertakings to 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 the Kingdom of the Netherlands such production, maintenance or repair 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 the Kingdom of the Netherlands, 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 the Kingdom of the Netherlands under the Offshore Procurement Program, and the transfer of such equipment to the Government of the Kingdom of the Netherlands in accordance with the provisions of the Mutual Defense Assistance Agreement.

I have the honor to suggest that if these understandings meet with the approval of the Government of the Kingdom of the Netherlands, the present note and Your Excellencies' reply to that effect will constitute an agreement between our two Governments, pursuant to Article I, para 1 of the Mutual Defense Assistance Agreement.

As far as the Kingdom of the Netherlands is concerned, the provisions of this agreement shall apply to the Realm in Europe only.

The present agreement shall enter into force on the date the Embassy of the United States of America is notified that the approval constitutionally required in the Netherlands has been obtained. Meanwhile, I suggest that the parties to the present agreement shall apply its provisions from the date of Your Excellencies' reply.

Please accept, Excellencies, the renewed assurances of my highest consideration.

H. Freeman MATTHEWS

Their Excellencies

J. W. Beyen, Minister for Foreign Affairs  
and

J. M. A. H. Luns, Minister without Portfolio  
Royal Netherlands Ministry for Foreign Affairs  
The Hague

## II

*The Netherlands Minister Without Portfolio and the Minister for Foreign Affairs  
to the American Ambassador*

MINISTRY OF FOREIGN AFFAIRS  
THE HAGUE

Nº 59180.

April 29, 1955

Excellency :

We have the honour to acknowledge receipt of Your Excellency's Note dated April 29, 1955, and reading as follows :

[See note I]

We have the honour to inform Your Excellency that the Netherlands Government accept the foregoing provisions and will regard Your Excellency's Note and the present reply as constituting an agreement between our two Governments, pursuant to Article I, para 1 of the Mutual Defense Assistance Agreement. As far as the Kingdom of the Netherlands is concerned, the provisions of this Agreement shall apply to the Realm in Europe only. The present Agreement shall enter into force on the date the United States' Embassy is notified that the approval constitutionally required in the Netherlands has been obtained. We accept your suggestion that, meanwhile, the parties to the present Agreement shall apply its provisions from the date of this Note of reply.

Please accept, Excellency, the renewed assurances of our highest consideration.

The Minister Without  
Portfolio :  
J. M. A. H. LUNS

The Minister of Foreign  
Affairs :  
J. W. BEYEN

His Excellency H. Freeman Matthews  
United States Ambassador  
The Hague