

No. 3578

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

**Agreement (with two related notes) concerning the Treaty
between the United States of America and Germany
on Friendship, Commerce and Consular Rights of
8 December 1923, as amended. Signed at Bonn, on
3 June 1953**

Official texts: English and German.

Registered by the United States of America on 13 November 1956.

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

**Accord (avec deux notes y relatives) concernant le Traité
d'amitié, de commerce et de relations consulaires
conclu entre les États-Unis d'Amérique et l'Allemagne
le 8 décembre 1923, sous sa forme modifiée. Signé
à Bonn, le 3 juin 1953**

Textes officiels anglais et allemand.

Enregistré par les États-Unis d'Amérique le 13 novembre 1956.

No. 3578. AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY CONCERNING THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND GERMANY ON FRIENDSHIP, COMMERCE AND CONSULAR RIGHTS OF 8 DECEMBER 1923², AS AMENDED³. SIGNED AT BONN, ON 3 JUNE 1953

The United States of America and the Federal Republic of Germany, desirous of strengthening the bonds of friendship existing between them and of placing their relations on a normal and stable basis as soon as possible, have resolved as a step toward that end to restore to full force and effect, except as otherwise provided in the following Articles, the provisions of the Treaty of Friendship, Commerce and Consular Rights between the United States of America and Germany signed at Washington December 8, 1923,² as amended,³ as a provisional measure pending the conclusion of a more comprehensive, modern treaty or treaties for such purposes, and have, through their duly authorized representatives, agreed as follows:

Article I

The provisions of the Treaty of Friendship, Commerce and Consular Rights between the United States of America and Germany signed at Washington December 8, 1923, as amended by an exchange of notes dated March 19 and May 21, 1925,² and the agreement signed at Washington June 3, 1935,³ shall be applied and be considered fully operative between the United States of America and the Federal Republic of Germany on and after the effective date of the present agreement insofar as either High Contracting Party may not have heretofore notified

¹ Came into force on 22 October 1954 upon the exchange of the instruments of ratification at Washington, in accordance with article VI. The United States of America ratified the Agreement subject to the following reservation:

"Article I of the treaty of friendship, commerce and consular rights between the United States of America and Germany, signed at Washington on December 8, 1923, shall not extend to professions which, because they involve the performance of functions in a public capacity or in the interest of public health and safety, are state-licensed and reserved by statute or constitution exclusively to citizens of the country, and no most favored-nation clause in the said treaty shall apply to such professions."

² League of Nations, *Treaty Series*, Vol. LII, p. 133, and Vol. LXXII, p. 480.

³ League of Nations, *Treaty Series*, Vol. CLXIII, p. 415. See also United Nations, *Treaty Series*, Vol. 231, p. 151.

the other Party in accordance with Article XXXI of the aforesaid Treaty an intention to modify or omit any of its Articles, and except as otherwise provided in the following Articles, without prejudice to the previous status of any provisions of the aforesaid Treaty which may have remained operative or may have again become operative at any time since the outbreak of hostilities between the United States of America and Germany.

Article II

In accordance with the intent of Article XIX of the aforesaid Treaty, that Article is hereby amended by adding the following :

The Government of either Party may, in the territory of the other, acquire, own, lease for any period of time, or otherwise hold and occupy, such lands, buildings, and appurtenances as may be necessary and appropriate for governmental, other than military, purposes. If under the local law the permission of the local authorities must be obtained as a prerequisite to any such acquiring or holding, such permission shall be given on request.

Article III

None of the provisions of the present agreement or of the aforesaid Treaty shall be considered as affecting in any way (1) the rights or obligations of either Party in respect of measures to safeguard essential security interests or (2) the status of the United States of America and its personnel in Germany. Until the effective date of the Conventions signed at Bonn on May 26, 1952, the provisions of legislation, regulations or directives which may be in effect by virtue of the status in Germany of the United States of America shall prevail over any inconsistent provisions of the present agreement or of the aforesaid Treaty ; and thereafter the provisions of the said Conventions, and of any other related agreements that have been or may be entered into, shall so prevail in case of any such inconsistency.

Article IV

Pending the peaceful reunification of Germany, the German territory to which the aforesaid Treaty shall be applied and considered fully operative shall be understood to comprise all areas of land, water and air over which the Federal Republic of Germany exercises jurisdiction. The present agreement shall also enter into force, and the aforesaid Treaty shall be applied and considered fully operative, in the area of Berlin (West) when the Government of the Federal Repub-

lic of Germany furnishes the Government of the United States of America a notification that all legal procedures in Berlin necessary therefor have been complied with.¹

Article V

It is agreed that negotiations for a new Treaty of Friendship, Commerce and Navigation shall be entered into without delay.

Article VI

1. The present agreement shall be ratified, and the ratifications thereof shall be exchanged at Washington as soon as possible.

2. The present agreement shall enter into force on the day of exchange of ratifications.

3. Either Party may terminate the present agreement by giving six months' written notice to the other Party.

IN WITNESS WHEREOF the respective duly authorized representatives have signed the present agreement.

DONE in duplicate, in the English and German languages, both equally authentic, at Bonn, this third day of June one thousand nine hundred fifty three.

For the United States
of America :

James B. CONANT

[SEAL]

For the Federal Republic
of Germany :

ADENAUER

[SEAL]

¹ Notification dated 1 March 1955.

RELATED NOTES

I

The German Federal Chancellor to the United States High Commissioner for Germany

[GERMAN TEXT — TEXTE ALLEMAND]

[TRANSLATION¹ — TRADUCTION²]

BUNDESREPUBLIK DEUTSCHLAND
DER BUNDESKANZLER

FEDERAL REPUBLIC OF GERMANY
THE FEDERAL CHANCELLOR

Bonn, den 3. Juni 1953

Bonn, June 3, 1953

ERKLÄRUNG

STATEMENT

Anlässlich der heutigen Unterzeichnung des Abkommens über den Freundschafts-, Handels- und Konsularvertrag zwischen Deutschland und den Vereinigten Staaten von Amerika vom 8. Dezember 1923 mit seinen Abänderungen, habe ich folgende mündliche Erklärung abgegeben :

On the occasion of today's signing of the Agreement Concerning the Treaty of Friendship, Commerce and Consular Rights of December 8, 1923, between Germany and the United States of America, with its modifications³ I have made the following oral statement :

“Die Regierung der Bundesrepublik Deutschland wird sich nicht auf die Bestimmung des Artikel I Absatz 4 des Freundschafts-, Handels- und Konsularvertrages zwischen Deutschland und den Vereinigten Staaten von Amerika vom 8. Dezember 1923 berufen, um die Rückgabe der in der Zeit zwischen dem 11. Dezember 1941 und dem Inkrafttreten des heute unterzeichneten Abkommens oder dem Inkrafttreten der am 26. Mai 1952 in Bonn unterzeichneten Verträge, je nachdem welcher Zeitpunkt früher liegt, von der Regierung der Vereinigten Staaten von Amerika enteigneten deutschen Vermögenswerte zu erwirken.

“The Government of the Federal Republic of Germany will not appeal to the provision of Article I, par. 4, of the Treaty of Friendship, Commerce and Consular Rights of December 8, 1923, between Germany and the United States of America, in order to bring about the return of the German assets expropriated by the Government of the United States of America during the period between December 11, 1941, and the entry into force of the agreement signed today or the entry into force of the treaties signed in Bonn on May 26, 1952, whichever date is earlier.

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

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

³ See p. 90 of this volume.

Die Regierung der Bundesrepublik Deutschland hat mit Befriedigung von der Presseerklärung der amerikanischen Regierung vom 17. April 1953 Kenntnis genommen, nach der von diesem Zeitpunkt an keine neuen oder zusätzlichen deutschen Vermögenswerte in den Vereinigten Staaten von Amerika enteignet werden."

ADENAUER

"The Government of the Federal Republic of Germany has noted with satisfaction the American Government's statement to the press on April 17, 1953, according to which no new or additional German assets in the United States of America will be expropriated after that date."

ADENAUER

II

The German Federal Chancellor to the United States High Commissioner for Germany

[GERMAN TEXT — TEXTE ALLEMAND]

[TRANSLATION¹ — TRADUCTION²]

BUNDESREPUBLIK DEUTSCHLAND
DER BUNDESKANZLER

FEDERAL REPUBLIC OF GERMANY
THE FEDERAL CHANCELLOR

Bonn, den 3. Juni 1953

Bonn, June 3, 1953

Seiner Exzellenz
dem Hohen Kommissar der Vereinigten
Staaten von Amerika
Herrn Dr. James B. Conant

His Excellency
Dr. James B. Conant
High Commissioner of the
United States of America

Herr Hoher Kommissar,

Mr. High Commissioner,

Im Zusammenhang mit der heutigen Unterzeichnung des Abkommens über den Freundschafts-, Handels- und Konsularvertrag zwischen Deutschland und den Vereinigten Staaten von Amerika vom 8. Dezember 1923 mit seinen Abänderungen beehre ich mich, Ihnen zu bestätigen, dass die Regierung der Bundesrepublik Deutschland beabsich-

In connection with today's signing of the Agreement Concerning the Treaty of Friendship, Commerce and Consular Rights of December 8, 1923, between Germany and the United States of America, with its modifications, I have the honor to confirm to you that the Government of the Federal Republic of Germany intends to apply its admi-

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

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

tigt, ihre Verwaltungsanordnung vom 23. Oktober 1950 über die steuerliche Behandlung der diplomatischen und berufskonsularischen Vertretungen auswärtiger Staaten in der Bundesrepublik Deutschland auch nach der Wiedereinkraftsetzung des obengenannten Vertrages von 1923 gegenüber den berufskonsularischen Vertretungen der Vereinigten Staaten von Amerika anzuwenden. Sie behält sich aber vor, diese Verwaltungsanordnung später abzuändern oder aufzuheben. In einem solchen Falle werden den berufskonsularischen Vertretungen der Vereinigten Staaten von Amerika und deren Mitgliedern mindestens die gleichen Vorrechte und Vergünstigungen gewährt werden wie den berufskonsularischen Vertretungen anderer Staaten und deren Mitgliedern in der Bundesrepublik Deutschland, soweit den berufskonsularischen Vertretungen der Vereinigten Staaten von Amerika und deren Mitgliedern nicht eine günstigere Behandlung auf Grund des vorgenannten Vertrages von 1923 zu gewähren ist.

Ich benutze auch diesen Anlass, um Ihnen, Herr Hoher Kommissar, die Versicherung meiner ausgezeichnetsten Hochachtung zu erneuern.

ADENAUER

nistrative order of October 23, 1950,¹ concerning the tax treatment of the diplomatic and salaried consular representatives of foreign countries in the Federal Republic of Germany to the salaried consular representatives of the United States of America, also after the reinstatement of the above-mentioned treaty of 1923. It reserves the right, however, to modify or repeal this administrative order later. In such a case the salaried consular representatives of the United States of America and their members will be granted at least the same prerogatives and privileges as the salaried consular representatives of other countries and their members in the Federal Republic of Germany, in so far as the salaried consular representatives of the United States of America and their members are not to be granted more favorable treatment by virtue of the aforesaid treaty of 1923.

I avail myself of this opportunity to renew to you, Mr. High Commissioner, the assurances of my highest consideration.

ADENAUER

¹ The following information is given by the Department of the United States of America (*Treaties and Other International Acts Series* 3062, p. 18, footnote 1): "Should read 'October 13, 1950'."