

No. 4108

**UNITED STATES OF AMERICA
and
SPAIN**

**Exchange of notes (with annex) constituting an agreement
relating to the loan of vessels or small craft to Spain.
Madrid, 9 March 1957**

Official texts: English and Spanish.

Registered by the United States of America on 18 December 1957.

**ÉTATS-UNIS D'AMÉRIQUE
et
ESPAGNE**

**Échange de notes (avec annexe) constituant un accord
relatif au prêt d'unités navales à l'Espagne. Madrid,
9 mars 1957**

Textes officiels anglais et espagnol.

Enregistré par les États-Unis d'Amérique le 18 décembre 1957.

No. 4108. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND SPAIN RELATING TO THE LOAN OF VESSELS OR SMALL CRAFT TO SPAIN. MADRID, 9 MARCH 1957

I

The American Ambassador to the Spanish Minister of Foreign Affairs

AMERICAN EMBASSY

No. 929

Madrid, March 9, 1957

Excellency :

I have the honor to refer to recent conversations between representatives of our two Governments concerning the loan of certain naval vessels or small craft, identified in the listings annexed to this Note, by the Government of the United States to the Government of Spain, and to confirm the following understandings reached between our two Governments on this subject :

1. The Government of the United States will lend to the Government of Spain, for the period set out below, the naval vessels or small craft identified in the annex to this Note, and hereinafter referred to as the "vessels."

2. The Government of Spain will retain possession of and use the vessels subject to the terms and conditions contained in this Note and the Mutual Defense Assistance Agreement between our two Governments signed on September 26, 1953.²

3. The period of the loan for each vessel shall be five years from the date of its delivery to the Government of Spain. The Government of the United States may, however, request the return of any or all of the vessels at an earlier date if such action is necessitated by its own defense requirements. In this event, the Government of Spain will promptly return such vessel or vessels to the Government of the United States in accordance with the provisions of paragraph 7 of this Note.

4. Each vessel, together with its available on-board spares and allowances, including consumable stores and fuel, will be delivered to the Government of Spain at a place and time to be mutually agreed upon. Each delivery shall be evidenced by a certificate of delivery. The Government of Spain shall have the use of all spares and allowances, including consumable stores and fuel, on board each vessel at the time of its delivery.

5. Title to the vessels shall remain in the Government of the United States. The Government of Spain may, however, place the vessels under the Spanish flag.

¹ Came into force on 9 March 1957 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 207, p. 61, and Vol. 265, p. 374.

6. The Government of Spain will renounce all claims against the Government of the United States arising out of or incident to the transfer, use or operation of the vessels and will save the Government of the United States harmless from any claims asserted by third parties.

7. Upon the expiration or termination of the loan, each vessel, together with all spares and allowances, including consumable stores and fuel, shall be returned to the United States at a place and time to be specified by the Government of the United States, in substantially the same condition, fair wear and tear excepted, as when originally delivered. The return shall be without compensation by the United States with respect to any such on-board items which were not on board at the time of the original delivery. The Government of Spain will pay to the Government of the United States just and reasonable compensation for damage to or loss of any or all of the vessels. However, the Government of Spain shall not be liable for damage to or loss of any of the vessels arising out of enemy action and sustained while in use in accordance with the provisions of paragraph 2 of this Note.

If these understandings are acceptable to Your Excellency's Government, I have the honor to propose that this Note, including the attached annex, and Your Excellency's reply shall constitute an agreement between our two Governments, effective on the date of Your Excellency's reply.

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

John Davis LODGE

Enclosure :
Annex A

His Excellency Fernando María Castiella
Minister of Foreign Affairs
Madrid

ANNEX A

USS Capps (DD 550)
USS David W. Taylor (DD 551)

II

The Spanish Minister of Foreign Affairs to the American Ambassador

[SPANISH TEXT — TEXTE ESPAGNOL]

MINISTERIO DE ASUNTOS EXTERIORES

D. 3

Núm. 206

Madrid, 9 de marzo de 1957

Excmo. Señor :

Tengo la honra de acusar recibo de la atenta Nota de V.E. número 929, de fecha de hoy, cuyo texto, traducido al español, dice :

« Tengo la honra de hacer referencia a las recientes conversaciones mantenidas entre representantes de nuestros dos Gobiernos en relación

Excelencia, constituyan un Acuerdo entre nuestros dos Gobiernos, con vigencia a partir de la fecha de la respuesta de Vuestra Excelencia. »

Al comunicar a V.E. la conformidad del Gobierno español sobre lo que precede, aprovecho esta oportunidad para reiterarle las seguridades de mi alta consideración.

Fernando M. CASTIELLA

Excelentísimo Señor John Davis Lodge
Embajador Extraordinario y Plenipotenciario
de los Estados Unidos de América
Madrid

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS

D. 3

No. 206

Madrid, March 9, 1957

Excellency :

I have the honor to acknowledge receipt of Your Excellency's courteous note No. 929 of this date, the text of which, translated into Spanish, reads as follows :

[*See note I*]

In informing Your Excellency of the Spanish Government's agreement to the foregoing, I avail myself of this opportunity to renew to you the assurances of my high consideration.

Fernando M. CASTIELLA

His Excellency John Davis Lodge
Ambassador Extraordinary and Plenipotentiary
of the United States of America
Madrid

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

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