

No. 4131

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

Exchange of notes (with annex) constituting an agreement relating to the loan of certain naval vessels or small craft to the Government of the Federal Republic of Germany. Bonn, 30 April and 1 May 1957

Official texts: English and German.

Registered by the United States of America on 20 December 1957.

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

Échange de notes (avec annexe) constituant un accord relatif au prêt d'unités navales au Gouvernement de la République fédérale d'Allemagne. Bonn, 30 avril et 1^{er} mai 1957

Textes officiels anglais et allemand.

Enregistré par les États-Unis d'Amérique le 20 décembre 1957.

No. 4131. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE FEDERAL REPUBLIC OF GERMANY RELATING TO THE LOAN OF CERTAIN NAVAL VESSELS OR SMALL CRAFT TO THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY. BONN, 30 APRIL AND 1 MAY 1957

I

The American Minister to the Minister for Foreign Affairs of the Federal Republic of Germany

No. 553

Bonn, April 30, 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 annex² to this note or in lists which may be agreed upon and added to the annex at a later date, by the Government of the United States of America to the Government of the Federal Republic of Germany, 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 the Federal Republic of Germany 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 the Federal Republic of Germany 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 June 30, 1955.³
3. The period of the loan for each vessel shall be five years from the date of its delivery to the Government of the Federal Republic of Germany. Six months before the termination of this period, however, the two Governments will if requested by the Government of the Federal Republic of Germany consult as to the advisability and feasibility of extending the loan for an additional period to be mutually agreed upon, but not to exceed five years. The Government of the United States may, nevertheless, 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 the Federal Republic of Germany will promptly return such vessel or vessels to the Government of the United States in accordance with its provisions of paragraph 8 of this note.

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

² See p. 88 of this volume.

³ United Nations, *Treaty Series*, Vol. 240, p. 47.

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

5. The Government of the Federal Republic of Germany shall, in accordance with the Agreement between our two Governments effected by an exchange of notes signed in Washington on October 8, 1956,¹ pay the Government of the United States for the cost of rehabilitating and outfitting the vessels and for the fair value and installation costs of any equipment or materials additional to, or substituted for, normal allowances which are placed on board at the request of the Federal Republic of Germany.

6. Title to the vessels shall remain in the Government of the United States. The Government of the Federal Republic of Germany may, however, place the vessels under the German flag. The Government of the Federal Republic of Germany may, for operational purposes and at its own expense, alter the fittings of the vessels, without affecting the title of the United States. Unless otherwise agreed, the Government of the Federal Republic of Germany shall, before each vessel is returned, restore any fittings so altered to the specifications to which they corresponded before such alteration.

7. The Government of the Federal Republic of Germany renounces 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 such claims asserted by third parties.

8. 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. If the vessels are returned to the United States upon the expiration of the loan, the return shall be without compensation by the United States. If any or all of the vessels are returned to the United States at its request prior to the expiration of the initial five-year period, the Government of the United States will consult with the Government of the Federal Republic of Germany with respect to such compensation to the Government of the Federal Republic of Germany for rehabilitation or outfitting costs or any additional material or altered fittings placed on board in accordance with the provisions of paragraphs 5 and 6 of this note as may be authorized by the laws of the United States in effect at that time.

9. The Government of the Federal Republic of Germany will pay 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 the Federal Republic of Germany 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

¹ United Nations, *Treaty Series*, Vol. 278, No. 4018.

Your Excellency's reply shall constitute an agreement between our two Governments, effective on May 1, 1957.

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

William C. TRIMBLE
Minister

Enclosure :
Annex A.

His Excellency Heinrich von Brentano
Minister for Foreign Affairs
Bonn

ANNEX A

USS Anthony (DD 515)

II

*The Secretary of State for Foreign Affairs of the Federal Republic of Germany
to the American Ambassador*

[GERMAN TEXT — TEXTE ALLEMAND]

[TRANSLATION¹ — TRADUCTION²]

DER STAATSEKRETÄR
DES AUSWÄRTIGEN AMTS

THE SECRETARY OF STATE
FOR FOREIGN AFFAIRS

Bonn, den 1. Mai 1957

Bonn, May 1, 1957

Herr Botschafter,

Mr. Ambassador :

Ich habe die Ehre, Ihnen zu bestätigen, daß diese Note in Verbindung mit Ihrer Note Nr. 553 vom 30. April 1957—betreffend das Leihabkommen über den Zerstörer „Anthony“ und gewisser weiterer Kriegsschiffe—ein Abkommen zwischen der Regierung der Bundesrepublik Deutschland und der Regierung der Vereinigten Staaten von Nordamerika darstellt, das mit dem Datum dieser Note inkraft tritt.

I have the honor to confirm to you that this note, together with your note No. 553 of April 30, 1957—concerning the Loan Agreement in regard to the destroyer *Anthony* and certain other naval vessels—constitutes an agreement between the Government of the Federal Republic of Germany and the Government of the United States of America, which shall enter into force on the date of this note.

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

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

Ich benutze diese Gelegenheit, die Befriedigung meiner Regierung über den Abschluß dieses Abkommens zum Ausdruck zu bringen, welches im Geiste der atlantischen Zusammenarbeit zur weiteren Stärkung der freundschaftlichen Beziehungen zwischen den Vereinigten Staaten von Amerika und der Bundesrepublik Deutschland beitragen wird.

Genehmigen Sie, Exzellenz, die erneute Versicherung meiner ausgezeichnetsten Hochachtung.

HALLSTEIN

Seiner Exzellenz
dem Botschafter der Vereinigten
Staaten von Amerika
Herrn David Kirkpatrick Este Bruce
Mehlem

I avail myself of this opportunity to express the gratification of my Government at the conclusion of this Agreement, which in the spirit of cooperation between the Atlantic nations will contribute toward strengthening further the friendly relations between the United States of America and the Federal Republic of Germany.

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

HALLSTEIN

His Excellency
David Kirkpatrick Este Bruce
Ambassador of the United States
of America
Mehlem