

No. 5397

**UNITED STATES OF AMERICA
and
GREECE**

Exchange of notes constituting an agreement relating to a weapons production program (with related notes of 15 and 24 February 1960). Athens, 15 February 1960

Exchange of notes constituting an agreement amending the above-mentioned Agreement. Athens, 3 June 1960

Official text: English.

Registered by the United States of America on 22 October 1960.

**ÉTATS-UNIS D'AMÉRIQUE
et
GRÈCE**

Échange de notes constituant un accord relatif à un programme de production d'armes (avec notes connexes des 15 et 24 février 1960). Athènes, 15 février 1960

Échange de notes constituant un accord modifiant l'Accord susmentionné. Athènes, 3 juin 1960

Texte officiel anglais.

Enregistrés par les États-Unis d'Amérique le 22 octobre 1960.

No. 5397. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND GREECE RELATING TO A WEAPONS PRODUCTION PROGRAM. ATHENS, 15 FEBRUARY 1960

I

The American Ambassador to the Greek Foreign Minister

No. 6

Athens, February 15, 1960

Excellency :

I have the honor to refer to recent discussions between representatives of our two Governments concerning a Weapons Production Program, the purpose of which is to increase the capacity of North Atlantic Treaty² Organization countries, jointly and severally, to produce, maintain, repair, and overhaul equipment and materials needed for their mutual defense.

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

1. The Government of the United States of America will furnish under the Weapons Production Program to the Royal Hellenic Government such equipment, materials, services, and information as may be mutually arranged in accordance with paragraph 8 hereof, to assist in the production, maintenance, repair, and overhaul of equipment and materials needed for the common defense.

2. The assistance furnished by the Government of the United States of America under this program will be made available in accordance with the terms and conditions of the Agreement on Aid to Greece signed on June 20, 1947,³ the Agreement effected by an exchange of notes signed on December 21, 1951, and January 7, 1952,⁴ and agreements amendatory and supplementary thereto.

3. The Weapons Production Program shall be carried on through mutually agreed projects, which may include projects carried on solely by Greece as well as joint projects of coordinated production. Such joint projects may include those in which NATO countries carry out the project work through subsidiary bodies of the North Atlantic Council. Accordingly, assistance furnished by the Government of the United States of

¹ Came into force on 15 February 1960 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 34, p. 243 ; Vol. 126, p. 350, and Vol. 243, p. 308.

³ United Nations, *Treaty Series*, Vol. 7, p. 267.

⁴ United Nations, *Treaty Series*, Vol. 180, p. 171.

America under this agreement may, at the request of the Royal Hellenic Government, be furnished to such a subsidiary body. The undertakings of the Royal Hellenic Government set forth in this agreement will extend to the participation of Greece in all joint projects, as well as to projects carried out exclusively by the Royal Hellenic Government.

4. *a.* The Royal Hellenic Government, in connection with assistance intended to create or expand facilities under this program, will :

- (1) Maintain or cause to be maintained those facilities which the Government of the United States of America has assisted to establish or expand so that they will be in a condition properly to produce, maintain, repair, and overhaul equipment and materials, when they may be required. Pending such time, such additional facilities and equipment furnished by the Government of the United States of America may be used for other purposes to be agreed upon by appropriate representatives of the two Governments, provided, that such use will not interfere with the ready availability of such facilities for use for the purpose for which they were established or expanded.
- (2) Furnish all of the land, buildings, equipment, materials, and services required for such additional facilities, except for the equipment, materials, services, and information to be furnished either by the Government of the United States of America or by other governments participating in joint projects, and take whatever measures are required to establish or expand such facilities in good operating order.
- (3) Use its best efforts to maintain or cause to be maintained in usable condition a total capacity of facilities for the production or fabrication, for military purposes, of equipment and materials of the same type as those which may be produced or fabricated in a facility established or expanded with the assistance of the Government of the United States of America, which shall not be less than the aggregate of the capacity of such facilities already existing, those already programmed for construction in Greece under public or private ownership on the date of the conclusion of the project arrangements for such a corresponding facility, and those established or expanded with United States assistance.
- (4) Maintain or cause to be maintained in usable condition a total capacity of facilities for the maintenance, repair, or overhaul of military equipment or materiel of the same type of those established or expanded with the assistance of the Government of the United States of America, which shall not be less than the aggregate of the capacity of such facilities already existing, those already programmed for construction in Greece under public or private ownership on the date of the conclusion of the project arrangement for such a corresponding facility, and those established or expanded with United States assistance.

b. The undertakings in this paragraph with respect to the maintenance of facilities are subject to the understanding that should changed conditions make continued compliance with these undertakings either unnecessary as a matter of defense, or impracticable, the Royal Hellenic Government may, after consultation with the Government of the United States of America, modify those undertakings to accord with these changed conditions.

5. The Royal Hellenic Government also will :

- a. Sell the products and services resulting from this program to other NATO nations at fair and reasonable prices, and shall not discriminate among such nations in terms of the price charged for, or the quality of, such products or services, the time within which such products or services are delivered and performed, or in any other manner.
- b. Sell the products and services resulting from this program to non-NATO nations only in such cases as may be mutually agreed upon.
- c. Exclude as an element of the price of the products and services sold any charge which is attributable in any way to the initial cost of equipment, materials, or services furnished by the Government of the United States of America.
- d. Permit the importation and exportation, free from customs duties, taxes, stamp duties, or other similar charges, of equipment and materials sent to Greece for production, maintenance, repair, or overhaul in any facility expanded or established with United States assistance, and permit the exportation free from customs duties, taxes, stamp duties, or other similar charges, of the products and services of such facilities sold to other nations in accordance with the provisions of this note.

6. Agreement of our two Governments shall be a prerequisite to the sale or transfer to any other nation by Greece of the following :

- a. Items produced under this program to which the Government of the United States of America has contributed, either directly or indirectly, classified information essential to their manufacture, use or maintenance ;
- b. Any classified information of United States origin furnished in connection with the production, maintenance, repair, overhaul, or use of items produced under this program.

7. The Royal Hellenic Government will furnish without cost to the Government of the United States of America for defense purposes technical information (proprietary or other) utilized or developed in the production, maintenance, repair, overhaul, or development of military items under this program, and will grant to the Government of the United States of America for defense purposes a royalty-free license on inventions, improvements, and discoveries made in connection with the work carried out under this program, to the extent to which, and subject to the conditions under which, the Royal Hellenic Government has the right so to do without the payment of royalties or other compensation to others. The Royal Hellenic Government undertakes that, in entering into contracts subsequent to the effective date of this agreement for the production, maintenance, repair, overhaul, or development of military items under this program, it will obtain for the Government of the United States of America rights to technical information (proprietary or other) and to inventions, improvements and discoveries equal to those obtained under such contracts by the Royal Hellenic Government for itself.

8. In carrying out this 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 each Government, the description and purpose of the facilities to be established, appropriate security arrangements, and other appropriate details. Joint projects may be covered by supplementary arrangements entered into between subsidiary bodies referred to in paragraph 3 hereunder and the Government of the United States of America.

9. The Agreement effected by an exchange of notes signed on May 27, 1955,¹ and concerning a special program of facilities assistance is hereby terminated. However, individual project arrangements executed prior to the effective date of this agreement shall continue in full force and effect subject to the provisions of this agreement.

I have the honor to propose that, if these understandings meet with the approval of the Royal Hellenic Government, the present note and Your Excellency's note in reply concurring therein shall constitute an Agreement between our two Governments, superseding, except as provided in paragraph 9 of this note, the Agreement concerning a special program of facilities assistance effected by an exchange of notes signed on May 27, 1955, and entering into force on the date of Your Excellency's reply.

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

Ellis O. BRIGGS

His Excellency M. Evangelos Averoff-Tossizza
Foreign Minister
Athens

II

The Greek Foreign Minister to the American Ambassador

THE FOREIGN MINISTER OF GREECE

No. 648

Athens, February 15, 1960

Excellency,

I have the honor to acknowledge receipt of your letter of today which reads as follows :

[*See note I*]

In reply I have the honor to inform Your Excellency that the above is acceptable to the Greek Government and will constitute as from today an Agreement between the Governments of Greece and of the United States of America.

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

E. AVEROFF-TOSSIZZA

His Excellency the Honorable Ellis Ormsbe Briggs
Ambassador of the United States of America
Athens

¹ United Nations, *Treaty Series*, Vol. 251, p. 349.

RELATED NOTES

I

The Greek Foreign Minister to the American Ambassador

THE FOREIGN MINISTER OF GREECE

No. 650

Athens, February 15, 1960

Excellency,

With reference to the Agreement on the Mutual Weapons Production Program, signed today,¹ I have the honor to confirm our understanding that the exemptions stipulated therein do not affect pay-cuts for the benefit of Social Security Institutions.

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

E. AVEROFF-TOSSIZZA

His Excellency the Honorable Ellis Ormsbe Briggs
Ambassador of the United States of America
Athens

II

The American Ambassador to the Greek Foreign Minister

No. 300

Athens, February 24, 1960

Excellency :

I have the honor to acknowledge receipt of Your Excellency's note No. 650 of February 15, 1960, which reads as follows :

[See note I]

In reply I have the honor to inform Your Excellency that the interpretation suggested by the Greek Government is consistent with the understanding of the Government of the United States.

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

ELLIS O. BRIGGS

His Excellency M. Evangelhos Averoff-Tossizza
Foreign Minister
Athens

¹ See p. 96 of this volume.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
GREECE AMENDING THE AGREEMENT OF 15 FEBRU-
ARY 1960² RELATING TO A WEAPONS PRODUCTION
PROGRAM. ATHENS, 3 JUNE 1960

I

The American Ambassador to the Greek Foreign Minister

No. 398

Athens, June 3, 1960

Excellency :

I have the honor to refer to the Agreement between our two Governments effected by exchanges of notes signed on February 15, 1960,² which relates to the Weapons Production Program, and the related notes signed on February 15 and February 24, 1960,³ and to propose the following amendments thereto :

“In paragraph number 3 of the Agreement, the second and third sentences should be revised to read as follows :

‘Such joint projects may include those in which NATO countries carry out the project work through the North Atlantic Treaty Organization, including subsidiary bodies of the North Atlantic Council. Accordingly, assistance furnished by the Government of the United States of America under this agreement may, at the request of the Royal Hellenic Government, be furnished to the North Atlantic Treaty Organization or such a subsidiary body.’

“In paragraph number 8, the last sentence should be revised to read as follows :

‘Joint projects may be covered by supplementary arrangements entered into between the Government of the United States of America and the North Atlantic Treaty Organization, including subsidiary bodies of the North Atlantic Council.’

“In note No. 650 dated February 15, 1960, from the Foreign Minister the word ‘Mutual’ appearing in the first line should be deleted.”

“In note No. 300 dated February 24, 1960, from the American Embassy the word ‘Mutual’ appearing in the first line of the second paragraph should be deleted.”

¹ Came into force on 3 June 1960 by the exchange of the said notes.

² See p. 96 of this volume.

³ See p. 104 of this volume.

I have the honor to propose that, if these amendments are acceptable to your Government, the present note and Your Excellency's note in reply concurring therein shall constitute an agreement amending the aforementioned Agreement relating to the Weapons Production Program and shall enter into force on the date of Your Excellency's reply.

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

Ellis O. BRIGGS

His Excellency M. Evangelos Averoff-Tossizza
Foreign Minister
Athens

II

The Greek Foreign Minister to the American Ambassador

THE FOREIGN MINISTER OF GREECE

No. 2669

Athens, June 3, 1960

Excellency,

I have the honor to acknowledge receipt of your letter of today, which reads as follows :

[See note I]

In reply I have the honor to inform Your Excellency that the above is acceptable to the Greek Government and will constitute as from today an Agreement between the Governments of Greece and of the United States of America.

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

E. AVEROFF-TOSSIZZA

His Excellency the Honorable Ellis Ormsbe Briggs
Ambassador of the United States of America
Athens