

No. 8346

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UNITED STATES OF AMERICA  
and  
ITALY

Exchange of notes constituting an agreement concerning  
liability during private operation of N.S. *Savannah*.  
Rome, 16 December 1965

*Official texts : English and Italian.*

*Registered by the United States of America on 29 September 1966.*

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ÉTATS-UNIS D'AMÉRIQUE  
et  
ITALIE

Échange de notes constituant un accord définissant les clauses  
de responsabilité à l'occasion de l'exploitation du N.S.  
*Savannah* par une entreprise privée. Rome, 16 décembre  
1965

*Textes officiels anglais et italien.*

*Enregistré par les États-Unis d'Amérique le 29 septembre 1966.*

No. 8346. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND ITALY CONCERNING LIABILITY DURING PRIVATE OPERATION OF N.S. SAVANNAH.  
ROME, 16 DECEMBER 1965

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I

*The American Embassy to the Italian Ministry of Foreign Affairs*

NOTE VERBALE

No. 551

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of Italy and has the honor to refer to the Agreement of November 23, 1964<sup>2</sup> concerning visits of the N. S. *Savannah* to Italy and to recent conversations with respect to the situation arising from the operation of the N. S. *Savannah* by a private company, rather than by the Maritime Administration of the United States Government, and from the fact that an indemnity agreement between the United States Atomic Energy Commission and the private company has taken the place of the indemnity agreement between the United States Atomic Energy Commission and the United States Maritime Administration.

In view of the inapplicability of the Agreement of November 23, 1964 to the new situation, the Embassy proposes that the following shall constitute the agreement between the two Governments in the new situation.

Within the limitation of liability set by United States Public Law 85-256 (Annex A),<sup>3</sup> as amended by 85-602 (Annex B)<sup>4</sup> in any legal action or proceeding brought *in personam* against the operator to the N.S. *Savannah* in an Italian court, the United States Government will provide compensation by way of indemnity for any legal liability which an Italian court may find for any damage to people or goods deriving from a nuclear incident in connection with, arising out of or resulting from the operation, repair, maintenance or use of the N.S. *Savannah*, in which the N.S. *Savannah* may be involved within Italian territorial waters, or outside of them on a voyage to or from Italian ports if damage is caused in Italy or on ships of Italian registry. Within the \$500 million limitation in such public laws, the operator of the ship shall be subject to the jurisdiction

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<sup>1</sup> Came into force on 16 December 1965 by the exchange of the said notes.

<sup>2</sup> United Nations, *Treaty Series*, Vol. 532, p. 133.

<sup>3</sup> United Nations, *Treaty Series*, Vol. 532, p. 144.

<sup>4</sup> United Nations, *Treaty Series*, Vol. 532, p. 154.

of the Italian court and shall not invoke the provisions of Italian law or any other law relating to the limitation of shipowner's liability.

If the Italian Government agrees with the above proposal, the Embassy proposes that this note and the Ministry's affirmative reply shall constitute an agreement between the two Governments which shall enter into force on the date of the reply and remain in force unless terminated by either Government on ninety days written notice.

The Embassy of the United States of America takes this occasion to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America  
Rome, December 16, 1965

## II

MINISTERO DEGLI AFFARI ESTERI

45/25852/1509

[ITALIAN TEXT — TEXTE ITALIEN]

### NOTA VERBALE

Il Ministero degli Affari Esteri ha l'onore di riferirsi alla Nota Verbale dell'Ambasciata degli Stati Uniti d'America del 16 dicembre 1965 concernente un accordo tra il Governo degli Stati Uniti e il Governo italiano in relazione alla nave *Savannah*.

Il Ministero degli Affari Esteri esprime l'approvazione del Governo italiano al testo dell'Accordo quale esso risulta da detta Nota Verbale :

« Nei limiti della responsabilità fissati dalla *United States Public Law 85-256* (allegato « A »), come emendata dalla Legge 85-602 (allegato « B »), in qualsiasi azione o procedimento legale intentati « in personam » nei confronti del gestore della nave *Savannah* in un tribunale italiano, il Governo degli Stati Uniti pagherà un compenso sotto forma di indennizzo per qualsiasi responsabilità legale che sia accertata da un tribunale italiano per qualsiasi danno alle persone o alle cose causato da un incidente nucleare — connesso, derivante o risultante da operazioni, riparazioni, manutenzione o impiego della nave — in cui la nave nucleare *Savannah* sia coinvolta nelle acque territoriali italiane, o fuori di esse quando essa sia in viaggio verso porti italiani o da porti italiani, se il danno viene causato in Italia o a bordo di navi di matricola italiana.

« Entro il limite di cinquecento milioni di dollari fissato dalle leggi 85-256 e 85-602, il gestore della nave sarà soggetto alla giurisdizione dei tribunali italiani e non potrà avvalersi di disposizioni della legge italiana o di qualsiasi altra legge relative alla limitazione della responsabilità degli armatori ».

Il Ministero degli Affari Esteri conferma che il testo suddetto costituisce un accordo tra i due Governi, il quale entra in vigore con decorrenza immediata ed è destinato a restare in vigore fino a denuncia di una delle due parti, con preavviso scritto di novanta giorni.

Il Ministero degli Affari Esteri coglie l'occasione per rinnovare all'Ambasciata degli Stati Uniti d'America i sensi della sua più alta considerazione.

E. O.

Roma, 16 dic. 1965

All'Ambasciata degli Stati Uniti d'America  
Roma

[TRANSLATION<sup>1</sup> — TRADUCTION<sup>2</sup>]

MINISTRY OF FOREIGN AFFAIRS

45/25852/1509

NOTE VERBALE

The Ministry of Foreign Affairs has the honor to refer to the note verbale of the Embassy of the United States of America dated December 16, 1965 concerning an agreement between the Government of the United States and the Italian Government with regard to the ship *Savannah*.

The Ministry of Foreign Affairs expresses the Italian Government's approval of the text of the Agreement as set forth in the said note verbale :

[See note I]

The Ministry of Foreign Affairs agrees that the above text constitutes an agreement between the two Governments, which shall enter into force immediately and is intended to remain in force until one of the parties terminates it by giving the other party written notice ninety days in advance.

The Ministry of Foreign Affairs avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its highest consideration.

E. O.

Rome, December 16, 1965

The Embassy of the United States of America  
Rome

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<sup>1</sup> Translation by the Government of the United States of America.

<sup>2</sup> Traduction du Gouvernement des États-Unis d'Amérique.