

No. 15152

**SPAIN
and
UNITED STATES OF AMERICA**

Treaty of friendship and cooperation (with exchanges of notes). Signed at Madrid on 24 January 1976

Supplementary Agreement No. 1 on the United States–Spanish Council (with exchange of notes of 3 February 1976). Signed at Madrid on 24 January 1976

Supplementary Agreement No. 2 on economic cooperation. Signed at Madrid on 24 January 1976

Supplementary Agreement No. 3 on scientific and technological cooperation (with exchange of notes). Signed at Madrid on 24 January 1976

Supplementary Agreement No. 4 on educational and cultural cooperation (with exchange of notes). Signed at Madrid on 24 January 1976

Supplementary Agreement No. 5 on bilateral military coordination. Signed at Madrid on 24 January 1976

Supplementary Agreement No. 6 on facilities (with annex and exchanges of notes). Signed at Madrid on 24 January 1976

Supplementary Agreement No. 7 on cooperation regarding material for the armed forces (with exchange of notes). Signed at Madrid on 24 January 1976

*Authentic texts: Spanish and English.
Registered by Spain on 3 December 1976.*

TREATY¹ OF FRIENDSHIP AND COOPERATION BETWEEN SPAIN AND THE UNITED STATES OF AMERICA

The Governments of Spain and of the United States of America,

Impelled by their shared concern for the maintenance of world peace and security;

Affirming that their cooperation is beneficial for the security of both countries; strengthens the defense of the West; plays an important part in the security arrangements for the North Atlantic and Mediterranean areas; and contributes to the achievement of their shared goals;

Desiring to reaffirm and strengthen the friendship between their peoples and to continue and enrich the cooperative relationship which exists between the two countries, in the spirit of the Declaration of Principles between Spain and the United States of America, of July 19, 1974;

Agree as follows:

Article I. The close cooperation between the two countries on all matters of common concern or interest will be maintained and developed on a basis of sovereign equality. This cooperation shall encompass economic, educational, cultural, scientific, technical, agricultural, and defense matters, as well as other matters upon which they may mutually agree.

The Governments of Spain and the United States of America will keep their cooperation in all these areas under continuous review and seek to identify and adopt all appropriate measures for carrying out this cooperation in the most effective manner possible with a view to maintaining a balance of benefits, equal and effective participation of both parties, and coordination and harmonization of their efforts with those which may be being made in other bilateral and multilateral contexts.

For these purposes, a Spanish–United States Council is established under the chairmanship of the Foreign Minister of Spain and the Secretary of State of the United States of America. The functions and organization of the Council are set forth in Supplementary Agreement Number One. The Council will meet at least semi-annually.

Article II. Given the increasing international importance of economic affairs, the two parties will seek to develop their economic relations so as to ensure mutual benefit under conditions of equitable reciprocity and to promote, in particular, cooperation in those fields which facilitate development. That cooperation shall also take into account the impact which the state of the economy of each country has on its defense efforts. Their economic relationship will be carried out in accordance with Supplementary Agreement Number Two.

Article III. Given the relations of friendship which exist between the peoples of Spain and the United States of America, and recognizing that science and technology are essential factors in meeting the growing needs and in furthering

¹ Came into force on 21 September 1976 by the exchange of the instruments of ratification, which took place at Madrid, in accordance with article VII.

the general economic development of both countries, the two Governments will carry out a broad program of scientific and technical cooperation for peaceful purposes. In the framework of that cooperation, they will direct their efforts principally to areas having the most significance to the social and economic welfare of their peoples, and to developmental progress. Their relations in these areas will be carried out in accordance with Supplementary Agreement Number Three.

Article IV. In order to continue to expand their cooperation in the educational and cultural fields with a view to furthering the familiarity of their peoples with the important cultural achievements of the other and to strengthen the friendship and understanding between their peoples which provide the necessary foundation for the overall cooperative relationship between the two countries, their relations in these areas will be carried out in accordance with Supplementary Agreement Number Four.

Article V. Having recognized that their cooperation has strengthened the security of the Western World, and contributed to the maintenance of world peace, there is established a defense relationship between Spain and the United States of America. Consistent with the Declaration of Principles of July 19, 1974, they will, through this defense relationship, seek to enhance further their own security and that of the Western World. To such end, they will seek to develop the appropriate plans and coordination between their respective armed forces. This coordination will be carried out by a coordinating body as set forth in Supplementary Agreement Number Five.

To further the purposes of this Treaty, the United States of America may use specific military facilities on Spanish territory, in accordance with the provisions set forth in Supplementary Agreement Number Six. The two parties will also, for these ends, cooperate in the acquisition as well as the production of appropriate material for their armed forces, in accordance with the provisions of Supplementary Agreement Number Seven.

Article VI. In view of the contribution the use of the facilities mentioned in Article V makes to the defense of the West, the parties, through mutually agreed steps, will seek on the basis of reciprocity and equality to harmonize their defense relationship with existing security arrangements in the North Atlantic area. To this end, they will, periodically, review all aspects of the matter, including the benefits flowing to those arrangements from the facilities and make such adjustments as may be mutually agreed upon.

Article VII. This Treaty and its Supplementary Agreements shall enter into force upon the exchange of instruments of ratification between the two Governments and will remain in force for five years, whereupon they may be extended for an additional five-year period if the parties so agree.

Article VIII. In order to facilitate the withdrawal of the personnel, property, equipment and materiel of the Government of the United States of America located in Spain pursuant to Article V of this Treaty and its Supplementary Agreements, a period of one year from the termination of the Treaty is provided for the completion of withdrawal which will begin immediately after such termination. During that one-year period, all the rights, privileges and obligations deriving from Article V and its Supplementary Agreements shall remain in force while United States forces remain in Spain.

DONE in Madrid the 24th day of January, 1976, in duplicate, in the Spanish and English languages, both texts being equally authentic.

For Spain:

[Signed — Signé]¹

For the United States of America:

[Signed — Signé]²

¹ Signed by José María de Areilza y Martínez-Rodas — Signé par José María de Areilza y Martínez-Rodas.

² Signed by Henry A. Kissinger — Signé par Henry A. Kissinger.

EXCHANGES OF NOTES — ÉCHANGES DE NOTES

I a

Madrid, January 24, 1976

No. 67

Excellency:

I have the honor to refer to the recent discussions between the Government of Spain and the Government of the United States of America relating to United States military facilities in Spain, and to assure you that the Government of the United States of America will settle damage claims resulting from nuclear incidents pursuant to the following:

The United States Congress has enacted Public Law 93-513, a copy of which is enclosed, which provides that the United States will settle claims for bodily injury, death or damage to or loss of real or personal property proven to have resulted from a nuclear incident involving the nuclear reactor of a United States nuclear-powered warship on the basis of absolute liability. As of December 6, 1974, the provisions of this legislation are in effect for all United States nuclear-powered warships entering Spanish as well as all other foreign ports. A discussion of the purpose of this legislation is contained in the October 16, 1974, report by the Joint Congressional Committee on Atomic Energy, a copy of which is also enclosed.

While the foregoing law applies only to claims arising from nuclear incidents involving the nuclear reactor of a United States nuclear-powered warship, the Government of the United States of America gives its further assurances that it will endeavor, should the need arise, to seek legislative authority to settle in a similar manner claims for bodily injury, death or damages to or loss of real or personal property proven to have resulted from a nuclear incident involving any other United States nuclear component giving rise to such claims within Spanish territory.

Additionally, I am pleased to note that in any situation described above, the Spanish Government could use the provisions of Article XXVII of the Agreement in Implementation¹ and that the United States would be prepared to waive the provisions of Article XXV of that Agreement.

Accept, Excellency, the assurances of my highest consideration.

Enclosure:

Public Law 93-513.

[Signed]

ROBERT J. McCLOSKEY
Ambassador-at-Large

His Excellency José María de Areilza y Martínez-Rodas
Minister of Foreign Affairs of Spain

¹ See p. 213 of this volume.

Le ruego acepte, Señor Embajador, el testimonio de mi más alta consideración.

J. AREILZA

Excelentísimo Señor Robert McCloskey
Embajador de los Estados Unidos de América
Washington, D. C.

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS
MADRID

January 24, 1976

Mr. Ambassador:

I have the honor to acknowledge receipt of your note dated today, which translated into Spanish reads as follows:

[See note I a]

I have the honor to inform you that the Spanish Government accepts with satisfaction the contents of Your Excellency's note and trusts in a broad application of its provisions.

Accept, Mr. Ambassador, the assurances of my highest consideration.

J. AREILZA

His Excellency Robert McCloskey
Ambassador of the United States of America
Washington, D. C.

I b

Madrid, January 24. 1976

No. 68

Excellency:

I have the honor to refer to the Treaty of Friendship and Cooperation of this date and other related agreements between our two Governments and specifically to the operating rights granted to the United States Forces thereunder.

It is the understanding of my Government that, in addition to those operating rights set forth in that Treaty and related agreements, the air and naval bases provided for by the Treaty may be utilized for flights by aircraft of the land, sea or air armed forces of the United States, as well as by other United States aircraft chartered wholly by such forces in transit through Spain en route to other destinations. Appropriate arrangements will be made to ensure that persons who

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

² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.

enter or leave Spanish territory in such aircraft, who are not otherwise duly authorized, meet requirements for Spanish passport and customs control. Upon giving the required notice, aircraft of or chartered wholly by those forces may overfly Spanish territory, in accordance with applicable Spanish air traffic regulations.

If your Government concurs in the foregoing, I have the honor to propose that this note and Your Excellency's note in reply to that effect shall constitute an agreement between our two Governments on this matter.

Accept, Excellency, the assurances of my highest consideration.

[Signed]

ROBERT J. McCLOSKEY
Ambassador-at-Large

His Excellency Juan José Rovira y Sánchez-Herrero
Ambassador of Spain
Ministry of Foreign Affairs
Madrid

II b

[SPANISH TEXT — TEXTE ESPAGNOL]

MINISTERIO DE ASUNTOS EXTERIORES
MADRID

24 de enero de 1976

Señor Embajador:

Tengo la honra de referirme a la Nota de Vuestra Excelencia de fecha de hoy, cuyo texto, traducido al español, es el siguiente:

« Señor Embajador: Tengo el honor de referirme al Tratado de Amistad y Cooperación de esta fecha y a los otros Acuerdos que se refieren a él, entre nuestros dos Gobiernos y, específicamente, a los derechos de utilización que en ellos se garantizan a las fuerzas de los Estados Unidos.

El Gobierno entiende que además de estos derechos de utilización que se exponen más adelante en este Tratado y en los Acuerdos a él relativos, las Bases Aéreas y Navales previstas en este Tratado pueden ser utilizadas por los aviones de las fuerzas terrestres, marítimas o aéreas de los Estados Unidos, así como por otros aviones de los Estados Unidos fletados totalmente por tales fuerzas, en tránsito a través de España hacia otros puntos de destino. Se establecerán las oportunas disposiciones para que las personas que entren o salgan de territorio español en dichos aviones y que no estén debidamente autorizadas se sometan a las previsiones legales españolas en materia de control aduanero y de pasaportes. Tras la requerida notificación, los aviones pertenecientes o fletados totalmente por las mencionadas fuerzas, pueden sobrevolar el territorio español, de acuerdo con la regulación española aplicable al tráfico aéreo.

Si su Gobierno coincide en lo aquí expuesto, tengo el honor de proponer que esta Nota y la contestación de V. E. constituya, a estos efectos un acuerdo entre nuestros dos Gobiernos en relación con esta materia.

Ruego a V. E. acepte el testimonio de mi más alta consideración. »

Deseo manifestar a V. E. que el Gobierno de España expresa su conformidad con que la Nota de V. E., juntamente con esta contestación, constituyan un acuerdo entre nuestros dos Gobiernos.

Le ruego acepte, Señor Embajador, el testimonio de mi más alta consideración.

[Signed — Signé]

JUAN JOSÉ ROVIRA Y SÁNCHEZ-HERRERO
Embajador de España

Excelentísimo Señor Robert McCloskey
Embajador de los Estados Unidos de América
Washington, D. C.

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS
MADRID

January 24, 1976

Mr. Ambassador:

I have the honor to refer to Your Excellency's note dated today, which translated into Spanish reads as follows:

[See note I b]

I wish to inform Your Excellency that the Government of Spain expresses its agreement that your note, together with this reply, shall constitute an agreement between our two Governments.

Accept, Excellency, the assurances of my highest consideration.

JUAN ROVIRA S.

His Excellency Robert McCloskey
Ambassador of the United States of America
Washington, D. C.

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

² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.

SUPPLEMENTARY AGREEMENT¹ ON THE UNITED STATES–SPANISH COUNCIL (NUMBER 1)

Article I. The United States–Spanish Council will be responsible for overseeing the implementation of the Treaty of Friendship and Cooperation.² It will review the cooperation under that Treaty; examine any problems which may arise as well as measures which might be taken to deal with them; consider steps to facilitate [and]³ improve United States–Spanish cooperation; and submit to the Governments such findings and recommendations as may be agreed. The Council will also be charged with carrying out the consultations provided for in Article III of Supplementary Agreement No. Six.

Article II. The Council will be chaired by the Secretary of State of the United States and the Foreign Minister of Spain, and will meet at least semi-annually. Each Chairman will have a Deputy who will serve as Permanent Representative on the Council and assure its functioning in the absence of his Chairman. The Chairman of the Joint Chiefs of Staff of each party or their designated representatives will be permanent military representatives on the Council. The parties shall designate such other representatives and advisors to the Council and its subsidiary bodies as they deem appropriate, taking into account the variety of matters which may be before the Council at any particular time, and the need for adequate representation on the Council from responsible ministries and departments.

Article III. The Council will have under its aegis a Joint Economic Committee, a Joint Scientific and Technological Affairs Committee, a Joint Educational and Cultural Affairs Committee, and a Joint Committee for Politico-Military Administrative Affairs. It may form such other committees and subsidiary bodies as may be deemed appropriate to facilitate the performance of the Council's functions.

The Committees and other subsidiary bodies will seek to resolve problems and advance cooperation in their areas of competence to the fullest extent possible without formal referral to the Council. They shall periodically report to the Council on matters which have come before them, actions taken, progress made, and make appropriate recommendations to the Council.

The Council will be assisted by a Permanent Secretariat under the joint direction of a United States and a Spanish Secretary, with appropriate staffing mutually agreed upon.

Article IV. In order to establish the necessary coordination between them and to ensure greater effectiveness of the reciprocal defense support granted by each to the other, the two parties agree to establish a Joint Military Committee

¹ Came into force on 21 September 1976, the date of entry into force of the Treaty of 24 January 1976, in accordance with article VII.

² See p. 121 of this volume.

³ The correction between brackets was effected by the Parties prior to ratification by an exchange of notes dated at Madrid on 29 July and 4 August 1976 (Information supplied by the Government of Spain) — La correction entre crochets a été effectuée par les Parties avant la ratification par un échange de notes en date à Madrid des 29 juillet et 4 août 1976 (Renseignement fourni par le Gouvernement espagnol).

dependent on the Council, composed of the two Chiefs of the Joint Chiefs of Staff, or their designated representatives, which shall meet semi-annually.

Dependent on this Committee and as a working body, there shall be constituted a Combined Military Coordination and Planning Staff, as provided in the Supplementary Agreement on Bilateral Military Coordination.

The respective co-directors of this Combined Staff shall serve as permanent representatives of the Chairmen of the Joint Military Committee.

Article V. For the purpose of obtaining the maximum effectiveness in cooperation for Western defense, the United States–Spanish Council, as one of its basic objectives, will work toward development of appropriate coordination with the North Atlantic Treaty Organization. In furtherance of this purpose, the Council will establish by mutual agreement a commission formed by members of the two contracting parties which shall propose to the Council specific measures to promote the establishment of meaningful coordination.

Article VI. The Council will have its seat at Madrid, where it will be provided with suitable facilities by the Government of Spain.

The administrative support for meetings of the Council and its subordinate bodies will be provided by the Spanish Government inasmuch as it is the seat of the Council. Permanent administrative costs of the Council, including salaries of any employees of the Council, will be shared equally. Each party will bear the cost of its own participation in the work of the Council, including salaries of its members of the Secretariat.

The representatives, advisors, experts and other participants of each party in the work of the Council or its subordinate bodies shall enjoy diplomatic privileges and immunities when in the territory of the other, in accordance with the norms to be agreed.

Article VII. This Agreement will enter into force and remain in force contemporaneously with the Treaty of Friendship and Cooperation between the United States and Spain.

DONE in Madrid, this 24th day of January, 1976, in duplicate, in the Spanish and English languages, both texts being equally authentic.

For Spain:

[Signed — Signé]¹

For the United States of America:

[Signed — Signé]²

¹ Signed by José María de Areilza y Martínez-Rodas — Signé par José María de Areilza y Martínez-Rodas.

² Signed by Henry A. Kissinger — Signé par Henry A. Kissinger.

EXCHANGE OF NOTES — ÉCHANGE DE NOTES

I

Madrid, February 3, 1976

No. 105

Excellency:

I have the honor to refer to the question of diplomatic privileges and immunities to be accorded to participants of each party in the work of the United States–Spanish Council and to propose that, pursuant to Article VI of Supplementary Agreement Number One of the Treaty of Friendship and Cooperation between the United States and Spain, signed at Madrid on January 24, 1976,¹ the norm to be applied is that of each country's established practice with regard to diplomatic missions. The participants in the work of the Council will, therefore, receive in the country in which the work is being carried out the privileges and immunities accorded in that country to persons of equivalent rank and function who are members of the diplomatic, administrative and technical staff, as appropriate, of foreign diplomatic missions in that country.

If the foregoing is acceptable to the Government of Spain, I have the honor to propose that this note and Your Excellency's note in reply indicating concurrence shall constitute an agreement between our two Governments on this matter.

Accept, Excellency, the assurances of my highest consideration.

[Signed — Signé]²

His Excellency Juan José Rovira y Sánchez-Herrero
Ambassador of Spain
Ministry of Foreign Affairs
Madrid

II

[SPANISH TEXT — TEXTE ESPAGNOL]

MINISTERIO DE ASUNTOS EXTERIORES
MADRID

3 de febrero de 1976

Excelentísimo Señor:

Tengo la honra de referirme a su Nota de fecha de hoy, que traducida al español, dice lo siguiente:

« Excelentísimo Señor: Tengo la honra de referirme al tema de las inmunities y privilegios diplomáticos concedidos a los participantes de ambas Partes en los trabajos del Consejo Hispano-Norteamericano y de proponer que, en relación con el Artículo VI del Acuerdo Complementario Número 1 del Tratado de Amistad y Cooperación entre los Estados Unidos

¹ See p. 121 of this volume.

² Signed by Wells Stabler — Signé par Wells Stabler.

y España, firmado en Madrid el 24 de enero de 1976, la norma que se aplique sea la contenida en la práctica establecida de cada país en relación con las Misiones Diplomáticas. Por lo tanto, los participantes en los trabajos del Consejo recibirán, en el país en el que dichos trabajos se realicen, las inmunidades y privilegios concedidos en dicho país a las personas de rango y función equivalentes respectivamente, miembros del personal diplomático, administrativo y técnico, de las Misiones Diplomáticas extranjeras en dicho país. Si lo que antecede es aceptable para el Gobierno de España, tengo la honra de proponer que esta Nota y la contestación de V. E. indicando su asentimiento constituyan un acuerdo entre nuestros dos Gobiernos sobre este tema ».

Deseo manifestar a V. E. que el Gobierno de España expresa su conformidad con que la Nota de V. E., juntamente con esta contestación, constituyan un Acuerdo entre nuestros dos Gobiernos.

Le ruego acepte, Señor Embajador, el testimonio de mi más alta consideración.

[Signed — Signé]

JUAN JOSÉ ROVIRA Y SÁNCHEZ-HERRERO
Embajador de España

Excelentísimo Señor Wells Stabler
Embajador de los Estados Unidos de América
Madrid

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS
MADRID

February 3, 1976

Excellency:

I have the honor to refer to your note of today's date which, translated into Spanish, reads as follows:

[See note I]

I wish to inform Your Excellency that the Government of Spain agrees that your note and this reply thereto shall constitute an agreement between our two Governments.

Accept, Mr. Ambassador, the assurance of my highest consideration.

JUAN ROVIRA S.

His Excellency Wells Stabler
Ambassador of the United States of America
Madrid

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

² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.

SUPPLEMENTARY AGREEMENT¹ ON ECONOMIC COOPERATION (NUMBER 2)

Article I. In their economic relations, the United States and Spain will be guided by their shared desire to encourage economic growth, trade expansion, and other economic relations among nations, and by the principles contained in the Treaty of Friendship and Cooperation.²

Article II. The two Governments reaffirm their determination to intensify their commercial relations and to take all appropriate steps to encourage the growth of their respective exports. In order that this growth may take place on a basis acceptable to both parties, they will seek to avoid the development of a disequilibrium that could be mutually disadvantageous to their overall economic relationship. To this end, the two Governments will seek to avoid imposing restrictions on the flow of trade between them in accordance with their obligations under the General Agreement on Tariffs and Trade³ and other existing international agreements.

Article III. The two Governments agree on the desirability of having a normal flow of United States direct investment to Spain, and to that end they will endeavor to arrive at appropriate and mutually agreeable measures to facilitate such an investment flow, within the limits of their respective laws and international obligations.

Article IV. Both Governments recognize the importance of the role played by the Export-Import Bank of the United States both in stimulating the purchase of United States capital goods by Spanish enterprises and in assisting the progress of Spain's energy and industrial development programs, and therefore they will seek to strengthen these financial relations in the future.

To this end, the Export-Import Bank of the United States, in order to contribute to Spain's development, is currently prepared to commit credits and guarantees of approximately \$450 million for Spanish companies.

Article V. The Government of Spain reiterates its objective of achieving its full integration in the European Economic Community, and the Government of the United States declares its favorable understanding of this Spanish objective. The two Governments agree to maintain contact in seeking to arrive at mutually satisfactory solutions of any problems that may arise for either of them in this connection.

Article VI. In order to facilitate achievement of the goals established in Article II, the two Governments will reinforce their consultations regarding the most appropriate manner in which Spain can qualify for the benefits of the generalized system of preferences provided for in the United States Trade Act of 1974.

Article VII. The two Governments reaffirm their interest in carrying out a regular program of consultations on all economic matters of mutual interest. To

¹ Came into force on 21 September 1976, the date of entry into force of the Treaty of 24 January 1976, in accordance with article VIII.

² See p. 121 of this volume.

³ United Nations, *Treaty Series*, vol. 55, p. 187.

that end, they agree to establish a Joint Economic Committee under the United States–Spanish Council. The Joint Economic Committee will monitor bilateral economic relations, discuss matters of mutual interest, seek to resolve problems which may arise, and make appropriate recommendations for furthering their economic cooperation.

Article VIII. This agreement will enter into force and remain in force contemporaneously with the Treaty of Friendship and Cooperation between the United States and Spain. It supersedes the Agreement of July 15, 1968,¹ establishing a United States–Spanish Economic Committee.

DONE in Madrid, this 24th day of January, 1976, in duplicate, in the Spanish and English languages, both texts being equally authentic.

For Spain:

[Signed — Signé]²

For the United States of America:

[Signed — Signé]³

¹ United Nations, *Treaty Series*, vol. 713, p. 341.

² Signed by José María de Areilza y Martínez-Rodas — Signé par José María de Areilza y Martínez-Rodas.

³ Signed by Henry A. Kissinger — Signé par Henry A. Kissinger.

SUPPLEMENTARY AGREEMENT¹ ON SCIENTIFIC AND TECHNOLOGICAL COOPERATION (NUMBER 3)

Article I. The common efforts of the two Governments under their program of scientific and technological cooperation will, in conformity with the Treaty of Friendship and Cooperation,² be directed principally to those fields of applied research and technological development having the most significance to the social and economic welfare of the peoples of the United States and Spain. In this context, the fields of energy, industrialization, environmental and urban problems, agriculture, and natural resources are recognized as having particular importance to developmental progress. Both Governments will give early and special emphasis to these fields within the program of cooperation.

Article II. Cooperation between the two Governments will be based on the following principles:

- a. mutuality of interest;
- b. selection of specific scientific and technical sectors of major interest; and
- c. preparation of plans for collaboration between institutions and entities of the two countries.

Their cooperation and activities in the fields of science and technology will be subject to the legislative requirements of the two countries, including the annual appropriation of funds.

Article III. Cooperation may take such forms as deemed appropriate, including but not limited to:

- a. joint or coordinated planning, support, or implementation of projects and the supply of equipment;
- b. exchange of scientific and technological information, subject to the conditions agreed to by the two countries;
- c. establishment, operation, and utilization of scientific and technical installations related to individual projects; and
- d. exchange of scientific and technical personnel related to the cooperative projects and activities contained in this agreement.

Article IV. Cooperative programs and activities may be the subject of specific agreements for their appropriate implementation.

Article V. Scientific and technical cooperation shall be effected as follows:

- a. annual programs composed of sets of specific projects financed by contributions from the United States Government;

¹ Came into force on 21 September 1976, the date of entry into force of the Treaty of 24 January 1976, in accordance with article XIX.

² See p. 121 of this volume.

- b. special programs in which each participant will, in general, bear the costs pertaining to its obligations;
- c. funding for annual and special programs shall be subject to the availability of the necessary funds.

Article VI. Cooperation in science and technology shall be coordinated through the Joint Committee for Scientific and Technological Cooperation which shall be responsible for:

- a. formulation of an annual program of scientific and technical cooperation between the two countries;
- b. review of all programs, activities, and operations, including the preparation of an annual report; and
- c. the Joint Committee may recommend to the Governments modification, postponement, or termination of programs, where warranted, after consultation with all affected agencies and institutions.

Article VII. The annual program of scientific and technical cooperation, under this Agreement, shall be established through exchange of notes between the Ministry of Foreign Affairs and the Embassy of the United States at Madrid, or through formal decision of the United States-Spanish Council, acting on the basis of recommendations of the Committee.

Article VIII. Scientific and technical information of a non-proprietary nature resulting from cooperation under this Agreement shall be made available to the world scientific community through customary channels in accordance with normal procedures.

The disposition of any patents, know-how, and other proprietary property derived from the cooperative activities shall be provided for in the specific agreements referred to in Article IV.

Article IX. Each Government will facilitate, consistent with law, the entry and exit of equipment and material to be utilized in cooperative activities under this Agreement, as well as the personal effects of scientific and technical personnel and their families.

Article X. Nothing in this Agreement shall preclude or prejudice scientific and technological cooperation outside the terms of this Agreement by institutions of the United States or Spain or by nationals of either country with each other or with third parties.

Article XI. Institutions, organizations, or entities of third countries may participate in cooperative programs or activities with the joint approval of the Governments of the United States and Spain.

Article XII. Programs and activities currently in force and established by the competent authorities shall not be affected by this Agreement. However, they may be included in this Agreement when both Governments so decide.

Article XIII. In the field of energy, both Governments consider that cooperation in research and development in nuclear and non-nuclear aspects of energy and energy conservation is important.

To increase cooperation in energy research and development, both Governments will endeavor to remain within the framework of cooperation in the context of the International Energy Agency and will ensure that, to the maximum extent possible, appropriate research linkages are maintained with that organization and its member countries.

Article XIV. With respect to nuclear cooperation for peaceful purposes, the areas of interest for both countries which shall receive early consideration in the development of cooperative programs and institutional agreements will include: basic physics research, reactor technology, fuel safety and treatment, radioactive metrology, contamination, and radioactive wastes.

Article XV. Cooperation in solar energy research and its applications for domestic, industrial, and agricultural use is of interest to both countries and shall receive early consideration in the preparation of the general cooperation agreements and in the development of special programs within those agreements.

Both Governments will also give consideration to cooperation on other forms of energy.

Article XVI. In the field of environmental and urban problems, both Governments recognize the usefulness of annual programs already carried out, and consider it desirable to increase this cooperation wherever possible, giving special attention to the following aspects:

- a. monitoring, reduction, and, where feasible, elimination of environmental pollution;
- b. conservation and protection of reserves and natural areas, including their fauna; and
- c. urban and regional planning directed to improvement of the quality of human life.

Article XVII. In the field of agriculture, both Governments recognize the continuing importance that cooperation holds for the peoples of each country and of the world, and will continue to encourage, as appropriate, cooperation in such programs and activities as may be of mutual interest. These may include, *inter alia*, agricultural scientific research, agricultural health standards, professional training, exchange of instructors and researchers, and exchange of information for technical and scientific progress in agriculture. In the development of cooperative programs, the special problems and priorities of each country shall be taken into account.

Article XVIII. In the area of natural resources, both Governments recognize the importance of research to their identification, conservation, and efficient utilization, and agree to develop and implement cooperative programs in areas to be jointly defined. Such programs may include, *inter alia*, information exchange, provision of expert services, specialized work experiences, and development and intensification of inter-institutional linkages. In the development of natural resources cooperation, early attention shall be given to oceanography.

Article XIX. This Agreement shall enter into force and remain in force contemporaneously with the Treaty of Friendship and Cooperation between Spain and the United States.

DONE in Madrid, this 24th day of January, 1976, in duplicate, in the Spanish and English languages, both texts being equally authentic.

For Spain:

[Signed — Signé]¹

For the United States of America:

[Signed — Signé]²

¹ Signed by José María de Areilza y Martínez-Rodas — Signé par José María de Areilza y Martínez-Rodas.

² Signed by Henry A. Kissinger — Signé par Henry A. Kissinger.

EXCHANGE OF NOTES — ÉCHANGE DE NOTES

I

Madrid, January 24, 1976

No. 70

Excellency:

I have the honor to refer to Supplementary Agreement Number Three on Scientific and Technological Cooperation signed today. To begin the fulfillment of the provisions of said Supplementary Agreement, and to facilitate cooperation between the United States and Spain in scientific research and technological development, I have the honor to inform your Excellency of the following:

1) The Government of the United States will provide each year, as a grant, the sum of \$4,600,000, which represents over the five-year duration of the aforementioned Supplementary Agreement a total grant of \$23,000,000 to carry out the annual programs which, in accordance with paragraph *a* of Article V, will be made up of groups of specific projects.

2) In addition, it is agreed that the Joint Committee on Scientific and Technological Cooperation will be charged with bringing together United States and Spanish experts to develop the special programs mentioned in paragraph *b* of Article V of the said Supplementary Agreement, including in this effort the investigation of possible sources of financing, both public and private.

3) In view of the interest of the Spanish Government in rapid implementation of the provisions of Article XV with the establishment of a Solar Energy Center located in Spanish territory, it also is agreed that the two Governments will charge the Joint Committee on Scientific and Technological Cooperation with presenting, within two months from the entry into force of the said Supplementary Agreement, a plan for carrying out appropriate studies necessary for the eventual creation of the Center. United States experts who may come to Spain to make such studies will receive all the assistance necessary from the Government of Spain so that they may carry out their tasks in the fullest collaboration with the experts whom the Spanish Government may designate.

If the foregoing is acceptable to the Government of Spain, I have the honor to propose that this note and Your Excellency's note in reply indicating concurrence shall constitute an Agreement between our two Governments on this matter.

Accept, Excellency, my renewed assurances of highest consideration.

[Signed]

ROBERT J. MCCLOSKEY
Ambassador-at-Large

His Excellency Juan José Rovira y Sánchez-Herrero
Ambassador of Spain
Ministry of Foreign Affairs
Madrid

Le ruego acepte, Señor Embajador, el testimonio de mi más alta consideración.

[Signed — Signé]

JUAN JOSÉ ROVIRA Y SÁNCHEZ-HERRERO
Embajador de España

Excelentísimo Señor Robert McCloskey
Embajador de los Estados Unidos de América
Washington, D. C.

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS
MADRID

January 24, 1976

Mr. Ambassador:

I have the honor to acknowledge receipt of your note of today, which translated into Spanish reads as follows:

[See note I]

I have the honor to inform you that the Spanish Government accepts with satisfaction the contents of Your Excellency's note, and trusts in a broad application of its provisions.

Accept, Mr. Ambassador, the assurances of my highest consideration.

JUAN ROVIRA S.

His Excellency Robert McCloskey
Ambassador of the United States of America
Washington, D. C.

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

² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.

SUPPLEMENTARY AGREEMENT¹ ON EDUCATIONAL AND CULTURAL COOPERATION (NUMBER 4)

Article I. Aware of the importance of the cultural achievements of the two countries and the desirability of strengthening the traditional friendship and understanding between their peoples, Spain and the United States will expand their cooperation in the educational, cultural, and scientific fields. Through the Joint Committee on Educational and Cultural Affairs they will seek to develop programs for more effective cooperation; carry out programs already approved for that purpose; seek to resolve problems that may arise; and make such recommendations as may be necessary in relation to these matters. Their cooperation and decisions in the fields of education, culture, and science will be subject to the legislative requirements of the two countries, including the annual appropriation of funds.

Article II. The program of exchanges between Spain and the United States in these fields will be expanded in both numbers and scope. The expansion will involve teachers, researchers, scientists, scholars and students and will be extended into all branches of learning, especially natural and applied sciences, economics, and the language and culture of the two countries. In the field of arts and letters, the two Governments will sponsor visits of authors and artists and encourage the reciprocal dissemination of their works.

Article III. The two Governments will cooperate in the expansion of the Spanish educational system. The United States will assist Spain in research, development, and advanced training for professors and other teaching personnel. The United States will also provide documents, equipment, and materials to educational research and teaching laboratories and libraries, as appropriate, for Spanish universities and other centers of higher learning. Both Governments will foster an exchange of cultural materials.

Article IV. Both Governments recognize the importance of the Fulbright-Hays program in promoting educational and cultural exchanges between the two countries, through the Commission on Cultural Exchange between Spain and the United States of America. Both Governments will contribute regularly to the financing of the Fulbright-Hays program. The Commission and the Joint Committee on Educational and Cultural Affairs will cooperate as appropriate in their respective fields to reinforce the effectiveness of the action of both parties.

Article V. The two Governments consider it a matter of special interest to increase the knowledge of their respective languages in the two countries by encouraging the activities of institutions and organizations engaged in the teaching of Spanish and the dissemination of Spanish culture in the United States, and at the same time encouraging the work of institutions and organizations engaged in similar activities with respect to the language and culture of the United States.

¹ Came into force on 21 September 1976, the date of entry into force of the Treaty of 24 January 1976, in accordance with article VII.

Article VI. The annual Educational and Cultural Cooperation Program which is the subject of this Agreement will be established by exchange of notes between the Ministry of Foreign Affairs and the Embassy of the United States at Madrid, or by a formal decision of the United States–Spanish Council, taking as a basis the recommendations of the Committee.

Article VII. This Agreement shall enter into force and remain in force contemporaneously with the Treaty of Friendship and Cooperation between the United States and Spain.

DONE in Madrid, this 24th day of January, 1976, in duplicate, in the Spanish and English languages, both texts being equally authentic.

For Spain:

[Signed — Signé]¹

For the United States of America:

[Signed — Signé]²

¹ Signed by José María de Areilza y Martínez-Rodas — Signé par José María de Areilza y Martínez-Rodas.

² Signed by Henry A. Kissinger — Signé par Henry A. Kissinger.

EXCHANGE OF NOTES — ÉCHANGE DE NOTES

I

Madrid, January 24, 1976

No. 72

Excellency:

I have the honor to refer to Supplementary Agreement Number Four on Educational and Cultural Cooperation. In order to carry out the provisions of this Agreement and to facilitate cooperation between Spain and the United States in those fields, I have the honor to inform Your Excellency of the following:

In order to carry out the annual programs in conformity with Articles I, II, III and V of this Supplementary Agreement, the Government of the United States will furnish each year, in the form of a grant, the sum of \$2,400,000, which represents, for the five-year duration of the Supplementary Agreement, a total grant of \$12 million.

Accept, Excellency, the assurances of my highest consideration.

[Signed]

ROBERT J. McCLOSKEY
Ambassador-at-Large

His Excellency Juan José Rovira y Sánchez-Herrero
Ambassador of Spain
Madrid

II

MINISTERIO DE ASUNTOS EXTERIORES
MADRID

24 de enero de 1976

Señor Embajador:

Tengo la honra de acusar recibo de su carta de fecha de hoy que, traducida al español, dice lo siguiente:

« Señor Embajador: Tengo la honra de referirme al Acuerdo Complementario Número 4 sobre Cooperación en Materias Culturales y Educativas. Para el cumplimiento de lo dispuesto en dicho Acuerdo y para facilitar la cooperación entre España y los Estados Unidos en esos campos de actuación, tengo la honra de informar a V. E. lo siguiente: Para llevar a cabo los Programas anuales, de conformidad con los Artículos I, II, III y V del mencionado Acuerdo Complementario, el Gobierno de los Estados Unidos facilitará cada año, como donación, la cantidad de 2.400.000 dólares, lo cual representa para el período de cinco años de duración del Acuerdo una donación total de 12.000.000 de dólares. Le ruego acepte, Señor Embajador, el testimonio de mi más alta consideración. »

Tengo la honra de informarle que el Gobierno español acepta lo que indica V. E. en su carta, acoge con satisfacción su contenido y confía en una amplia aplicación de lo dispuesto en la misma.

Le ruego acepte, Señor Embajador, el testimonio de mi más alta consideración.

[Signed — Signé]

JUAN JOSÉ ROVIRA Y SÁNCHEZ-HERRERO
Embajador de España

Excelentísimo Señor Robert McCloskey
Embajador de los Estados Unidos de América
Washington, D. C.

[TRANSLATION — TRADUCTION]

MINISTRY OF FOREIGN AFFAIRS
MADRID

February 24, 1976

Mr. Ambassador:

I have the honor to acknowledge receipt of your note dated today, which translated into Spanish reads as follows:

[See note I]

I have the honor to inform you that the Spanish Government accepts with satisfaction the contents of Your Excellency's note and trusts in a broad application of its provisions.

Accept, Mr. Ambassador, the assurances of my highest consideration.

JUAN ROVIRA S.

His Excellency Robert McCloskey
Ambassador of the United States of America
Washington, D. C.

SUPPLEMENTARY AGREEMENT¹ ON BILATERAL MILITARY COORDINATION (NUMBER 5)

Article I. A Combined Military Coordination and Planning Staff shall be established at Madrid to facilitate coordination between the Spanish Armed Forces and the Armed Forces of the United States, as well as other forces dedicated to North Atlantic defense.

The Combined Staff will operate within the overall framework of the United States–Spanish Council and receive the Council's guidance through the Joint Military Committee. The Council will be kept apprised of the work of the staff, including all proposed joint exercises or other activities. The staff will have no command function.

Article II. The mission of the Combined Staff shall be to prepare and coordinate plans, which are in harmony with existing security arrangements in the North Atlantic area, for actions which could be taken in the geographic area of common interest as defined in Article III, in case of an attack against Spain or the United States in the context of a general attack against the West.

All such activities of the Combined Staff will take into account the requirements of the constitutional processes of the United States and Spain which must be met before any plans or other measures may be implemented.

Every effort shall be made to insure that these activities of the Combined Staff serve to complement and strengthen Western defense as a whole.

The Combined Staff shall be the vehicle to provide the Spanish Armed Forces the United States doctrine and information required to achieve the necessary strategic, tactical and logistical coordination within the area of common interest.

Article III. The geographic area of common interest is defined as follows:

- a. Spain, including adjacent air space.
- b. Atlantic area.
 - (1) Northern limit: the parallel of 48 degrees north latitude to the European continent.
 - (2) Western limit: from the intersection of 48 degrees north latitude and 23 degrees west longitude, south to the parallel of 23 degrees north latitude.
 - (3) Southern limit: the parallel of 23 degrees north latitude eastward from 23 degrees west longitude to the coastal waters of the African littoral.
 - (4) Eastern limit: northward along the African coast to the Strait of Gibraltar, and thence northward along the coast of Europe to 48 degrees north latitude.

¹ Came into force on 21 September 1976, the date of entry into force of the Treaty of 24 January 1976, in accordance with article VI.

c. Mediterranean area: from the Strait of Gibraltar to the meridian of 7 degrees east longitude.

d. The area excludes the territory of third states and their territorial waters.

Article IV. The organization of the Combined Staff shall be established by the Joint Chiefs of Staff of the United States and Spain with the approval of the respective national authorities. The Combined Staff shall be headed by two co-directors, one from each country, both having the same general/flag rank. Administrative arrangements will be established by mutual agreement. Militarily, the staff will be responsible to the United States Joint Chiefs of Staff and the Spanish Joint Chiefs of Staff through the Joint Military Committee.

Article V. Spanish liaison officers shall be assigned to such headquarters as are agreed upon.

Article VI. This agreement shall enter into force and remain in force contemporaneously with the Treaty of Friendship and Cooperation between Spain and the United States of America.

DONE in Madrid, this 24th day of January, 1976, in duplicate, in the Spanish and English languages, both texts being equally authentic.

For Spain:

[Signed — Signé]¹

For the United States of America:

[Signed — Signé]²

¹ Signed by José María de Areilza y Martínez-Rodas — Signé par José María de Areilza y Martínez-Rodas.

² Signed by Henry A. Kissinger — Signé par Henry A. Kissinger.

SUPPLEMENTARY AGREEMENT¹ ON FACILITIES (NUMBER 6)

Article I. Pursuant to Article V of the Treaty of Friendship and Cooperation² and by way of contribution to the Western defensive effort, the Government of Spain grants the United States of America the right to use and maintain for military purposes the existing facilities in or connected with the Spanish military bases and installations listed in this agreement and its annex.

The facilities referred to above include those located at Rota Naval Base; the Torrejón and Zaragoza Air Bases, the Bardenas Reales firing range; and Morón, which remains on stand-by status.

The 98th Strategic Wing of tanker aircraft will be withdrawn from Spain but a detachment of a maximum of five tanker aircraft may be stationed at and use the Zaragoza Air Base. The nuclear submarine squadron will commence a phased withdrawal from Rota beginning on January 1, 1979 and this withdrawal will be completed by July 1, 1979.

Facilities within each Spanish military base or connected with it, such as lands, buildings, installations, and other major permanent items, made available for use by the United States forces, shall be listed in an inventory [agreed and]³ maintained by the parties, which indicates the purpose for which they are used. The parties will also [agree and]³ maintain a list containing the identification and general strength levels of the United States military units stationed in Spain for the use and maintenance of these facilities.

United States forces may obtain supplies by means of the Cádiz-Zaragoza pipeline, under conditions which will be agreed.

The United States will not store nuclear devices or their components on Spanish soil.

Article II. The use and maintenance of the facilities authorized by Article I of this Agreement and the status of the United States forces in Spain as well as the use of the Spanish air space will be regulated by the express terms and technical conditions contained in arrangements agreed between the two Governments.

Article III. In the case of external threat or attack against the security of the West, the time and manner of the use by the United States of the facilities referred to in this Supplementary Agreement to meet such threat or attack will be the subject of urgent consultations between the two Governments, and will be resolved by mutual agreement in light of the situation created. Such urgent consultations shall take place in the United States-Spanish Council, but when the imminence of the danger so requires, the two Governments will establish direct contact in order to resolve the matter jointly. Each Government retains, however, the inherent right of self-defense.

¹ Came into force on 21 September 1976, the date of entry into force of the Treaty of 24 January 1976, in accordance with article V.

² See p. 121 of this volume.

³ The corrections between brackets were effected by the Parties prior to ratification by an exchange of notes dated at Madrid on 29 July and 4 August 1976 (Information supplied by the Government of Spain) — Les corrections entre crochets ont été effectuées par les Parties avant la ratification par un échange de notes en date à Madrid des 29 juillet et 4 août 1976 (Renseignement fourni par le Gouvernement espagnol).

Article IV. Through the Joint Committee for Politico-Military Administrative Affairs, the parties will seek to assure the necessary coordination between the two Governments, and to resolve such problems as may arise as a result of the application of this Supplementary Agreement.

The organization and operation of the Committee will be developed with a view to dealing effectively and expeditiously with the problems which may arise, to promoting the direct contact between military and civilian officials of both parties appropriate to these ends, and finally, to fostering the maximum cooperation in all matters of mutual concern.

Prior to the expiration of the Treaty, and no less than three months before, the Joint Committee for Politico-Military Administrative Affairs will study the modalities and timetable resulting from the application of Article VIII of the Treaty, in case the extension established by Article VII does not go into force.

Article V. This agreement will enter into force contemporaneously with the Treaty of Friendship and Cooperation and remain in force with it and thereafter in accordance with Article VIII of the Treaty of Friendship and Cooperation.

DONE in Madrid, this 24th day of January, 1976, in duplicate, in the Spanish and English languages, both texts being equally authentic.

For Spain:

[Signed — Signé]¹

For the United States of America:

[Signed — Signé]²

A N N E X

TO ARTICLE I

In addition to the facilities listed in Article I, there are minor facilities outside of the principal Spanish installations mentioned in this Article. These facilities are:

- Jarama Water System Annex
- Sonseca Weather Station Site
- Torrejón ILS Outer Marker
- Zaragoza Radio Beacon Annex
- Soller Tropo Site and Housing Annex
- Humosa Tropo Site
- Guardamar Tropo and Transmitter Site
- Hinoges Tropo Site
- Menorca Tropo Site
- Morón Naval Communications Facility
- Estaca de Vares LORAN Station

¹ Signed by José María de Areilza y Martínez-Rodas — Signé par José María de Areilza y Martínez-Rodas.

² Signed by Henry A. Kissinger — Signé par Henry A. Kissinger.

- Estaca de Vares Communication Relay Station
- Estartit (Gerona) LORAN Station
- Cartagena Petroleum and Munitions Storage Facilities
- El Ferrol Petroleum Facilities
- Loeches Petroleum Storage Farm
- La Muela Petroleum Storage Farm
- El Arahal Petroleum Storage Farm

[TRANSLATION — TRADUCTION]

MINISTRY OF FOREIGN AFFAIRS
MADRID

January 24, 1976

Mr. Ambassador

[See note II a]

Accept, Mr. Ambassador, etc.,

JUAN ROVIRA S.

His Excellency Robert McCloskey
Ambassador of the United States of America
Washington, D. C.

II a

Madrid, January 24, 1976

No. 71

Excellency:

I have the honor to refer to your note of this date which reads in translation as follows:

“In connection with the commitments assumed by the Spanish Government Under Article I of Supplementary Agreement Number Six of the Treaty of Friendship and Cooperation¹ signed on this date, I have the honor to inform you that the facilities of Spanish property located in Spain that my Government authorizes to be used by the Armed Forces of the United States for the purposes indicated in Article V of said Treaty are detailed as follows:

In the Spanish Air Base of Torrejón

On-Base Facilities:

Facilities required for operations, administration, maintenance, communications, materiel storage, wartime supply reserve materiel storage, other storage facilities and supporting services for one tactical fighter wing, administrative aircraft, one numbered air force headquarters, one communications region headquarters, one military airlift aerial port, and standby requirements as established in the exchange of notes of August 6, 1970.²

In the Spanish Air Base of Zaragoza

On-Base Facilities:

On-base facilities required for operations, administration, maintenance, communications, wartime supply reserve materiel storage, other storage facilities and supporting services for one tactical fighter training group, weapons training detachment (up to one wing equivalent), one detachment of tanker aircraft, administrative aircraft, logistic support materiel storage (*Harvest Eagle*), and standby requirements as established in the exchange of notes of August 6, 1970.

¹ See p. 121 of this volume.

² United Nations, *Treaty Series*, vol. 756, p. 164.

In the Spanish Air Base of Morón

On-Base Facilities:

On-base facilities (maintained in modified caretaker status) required for operations, maintenance, administration, materiel storage, communications, wartime supply reserve materiel storage, other storage facilities and supporting services for standby requirements as established in the exchange of notes of August 6, 1970.

In the Spanish Naval Base of Rota

On-Base Facilities required for operations, administration, maintenance, communications, materiel storage, and supporting services for one maritime patrol squadron, one fleet air reconnaissance squadron, one fleet tactical support squadron, administrative aircraft, one naval reserve maritime patrol and one naval reserve fleet tactical support squadron for training about six months per year, occasional carrier aircraft detachments for temporary basing, naval airlift aerial port, one submarine squadron including one tender ship and one floating dry-dock, ships' berthing and mooring and fleet logistic support, one naval communications station, one fleet ocean surveillance information facility, one naval fuel depot, one storage depot and one weather station.

Leased Properties

Properties leased by the United States as of this date may continue to be so leased.

I further wish to advise you that the Government of Spain authorizes a level of forces of the United States permanently assigned in Spain of approximately:

Air Force	6,650
Navy (including Marine Corps)	4,325
Army	35
TOTAL	11,010

In a similar manner, the Government of Spain authorizes that other military personnel may be temporarily assigned in Spain in connection with their official duties, at a level of approximately:

Air Force	525
Navy (including Marine Corps)	1,850
Army	15
TOTAL	2,390

In addition, and in accordance with the above-mentioned Article I of the Supplementary Agreement, I wish to inform you of the desire of my Government that an inventory be taken of the facilities and that the list mentioned in said Article be drawn up, which must be completed within 90 days of this date.

If the above merits the approval of your Government, I wish to propose that this Note and your answer shall constitute the agreement of both Governments while the inventory and list mentioned in the preceding paragraph are completed and agreed upon."

I wish to advise you that the Government of the United States agrees that your note, together with this reply, constitute an agreement between our two

Governments relating to Supplementary Agreement Number Six of the Treaty of Friendship and Cooperation signed January 24, 1976.

Accept, Excellency, the assurances of my highest consideration.

[Signed]

ROBERT J. McCLOSKEY
Ambassador-at-Large

His Excellency Juan José Rovira y Sánchez-Herrero
Ambassador of Spain
Ministry of Foreign Affairs
Madrid

I b

MINISTERIO DE ASUNTOS EXTERIORES
MADRID

24 de enero de 1976

Señor Embajador:

Con objeto de cumplimentar lo estipulado en el Artículo II del Acuerdo Complementario Número 6 sobre Facilidades, los Gobiernos de los Estados Unidos de América y de España firmarán en el plazo máximo de un mes el Acuerdo de Desarrollo del citado Artículo.

Si esta propuesta goza de la aceptación de su Gobierno, estas Cartas constituirán un Acuerdo entre nuestros dos países.

Le ruego acepte, Señor Embajador, el testimonio de mi más alta consideración.

[Signed — Signé]

JUAN JOSÉ ROVIRA Y SÁNCHEZ-HERRERO
Embajador de España

Excelentísimo Señor Robert McCloskey
Embajador de los Estados Unidos de América
Washington, D. C.

[TRANSLATION — TRADUCTION]

MINISTRY OF FOREIGN AFFAIRS
MADRID

January 24, 1976

Excellency:

[See note II b]

Accept, Excellency, etc.

[Signed]

JUAN JOSÉ ROVIRA Y SÁNCHEZ-HERRERO
Ambassador of Spain

His Excellency Robert McCloskey
Ambassador of the United States of America
Washington, D. C.

II b

Madrid, January 24, 1976

No. 74

Excellency:

I have the honor to refer to your note of this date which reads in translation as follows:

“In order to comply with the provisions in Article II of Supplementary Agreement No. Six on Facilities, the Agreement in Implementation of that Article will be signed by the Government of the United States and the Government of Spain within a maximum period of one month.

If this proposal is acceptable to your Government, these notes will constitute an agreement between our two countries.”

I wish to advise you that the Government of the United States agrees that your note, together with this reply, constitutes an agreement between our two Governments relating to Supplementary Agreement Number Six of the Treaty of Friendship and Cooperation signed January 24, 1976.

Accept, Excellency, the assurances of my highest consideration.

[Signed]

ROBERT J. McCLOSKEY
Ambassador-at-Large

His Excellency D. Juan José Rovira y Sánchez-Herrero
Ambassador of Spain
Ministry of Foreign Affairs
Madrid

SUPPLEMENTARY AGREEMENT¹ ON COOPERATION REGARDING MATERIEL FOR THE ARMED FORCES (NUMBER 7)

Article I. The Government of the United States will issue repayment guaranties under its foreign military sales program to facilitate the extension of loans to the Government of Spain by eligible lenders for the purpose of financing the purchase by the Government of Spain of defense articles and defense services in furtherance of the present Treaty of Friendship and Cooperation.² The aggregate principal amount of loans guaranteed by the Government of the United States in accordance with this Article shall total \$120,000,000 during each of the five years during which the present Treaty of Friendship and Cooperation shall remain in force.

Article II. 1. The Government of the United States will furnish defense articles to the Government of Spain on a grant basis with a value of \$75,000,000 over the period during which the present Treaty of Friendship and Cooperation shall remain in force.

2. In addition, the Government of the United States will continue to furnish on a grant basis training for personnel of the armed forces of Spain, the value of which shall be \$2,000,000 during each of the five years of validity of the Treaty.

3. The value of defense articles furnished under this Article will be calculated in the manner most favorable to the Government of Spain, consistent with applicable United States laws and regulations.

Article III. All defense articles or defense services furnished to the Government of Spain in accordance with this Agreement shall be furnished subject to the terms and conditions set forth in Article I of the Mutual Defense Assistance Agreement of September 26, 1953³ between the two Governments, except that Article I, paragraph 3, of that Agreement shall not apply to defense articles and defense services purchased by the Government of Spain pursuant to this Agreement. In addition to such terms and conditions, the Government of Spain agrees that the net proceeds of sale received by it in disposing of any weapon, weapons system, munition, aircraft, military vessel, or other implement of war, including scrap therefrom, furnished on a grant basis by the Government of the United States, will be paid to the Government of the United States and shall be available to pay the official costs of the Government of the United States payable in the currency of Spain, including all costs relating to the financing of international educational and cultural exchange activities in which the Government of Spain participates. Defense articles and defense services are furnished pursuant to this Agreement exclusively for legitimate self-defense, or for participation in collective measures consistent with the Charter of the United Nations or requested by the United Nations for the purpose of maintaining or restoring international peace and security.

¹ Came into force on 21 September 1976, the date of entry into force of the Treaty of 24 January 1976, in accordance with article XII.

² See p. 121 of this volume.

³ United Nations, *Treaty Series*, vol. 207, p. 61.

Article IV. The Government of the United States will assign a high priority to the delivery to Spain of grant materiel agreed upon and of the necessary logistic support of the aforesaid needed materiel for the life of the Agreement.

Article V. The Government of the United States agrees to make the maximum effort to facilitate acquisition by the Government of Spain of four complete squadrons (of 18 aircraft each) of F-16 light fighter aircraft, or others of similar characteristics.

Article VI. The Government of the United States agrees to contribute to modernizing, semi-automating and maintaining the existing aircraft control and warning network utilized by the United States Air Force in Spain, in an amount not exceeding \$50,000,000.

Details of those improvements and of the maintenance and the cost-sharing arrangements shall be set forth in a subsequent implementing agreement.

Article VII. With regard to the execution of new joint utilization projects agreed to by the armed forces of the two countries, such as the case covered in the preceding article, the two parties shall mutually agree on the respective percentages of participation in such projects to be charged to the defense budget of each country.

Article VIII. The Government of the United States will offer for sale to the Government of Spain, at a favorable price consistent with applicable law, naval vessels of the following quantities and types: four MSO ocean-going minesweepers and one ARL minesweeper tender.

Article IX. The Government of the United States agrees to give prompt consideration to proposals for transfer to the Government of Spain of the technical data, equipment, and materials necessary for production in Spain of specific defense items. In each case, such production shall remain subject to specific agreement between the two Governments.

Article X. 1. The Government of the United States will make available for lease to the Government of Spain 42 F-4E aircraft from the inventory of the United States Air Force the delivery of which aircraft shall be effected on the dates agreed upon.

2. The Spanish Government will pay the United States Government the amount agreed upon for lease of these aircraft. The lease may be terminated by the Government of Spain prior to expiration of the lease with one year's prior notice to the Government of the United States. The lease may be extended by the Government of Spain beyond the term of the lease for an amount to be agreed upon until an equivalent number of F-16 aircraft can be made available for delivery to Spain pursuant to Article IV hereof.

3. The Government of Spain will sell to the Government of the United States 3R F-4C aircraft and F-4C specific support equipment and accessories for an amount agreed upon. The delivery of the F-4C aircraft to the Government of the United States will be concurrent with the delivery of the F-4E aircraft to the Government of Spain.

4. The Government of the United States agrees to sell to the Government of Spain the necessary spare parts and support equipment for maintenance of the F-4E aircraft until termination of the lease.

Article XI. It is expressly agreed by the two Governments that the undertakings of the Government of the United States provided for in this Agreement will be carried out in accordance with, and subject to, applicable provisions of United States law and the appropriation of the necessary funds by the United States Congress.

The undertakings of the Government of Spain hereunder will be carried out in accordance with and subject to applicable provisions of Spanish law.

Article XII. The Agreement will enter into force and remain in force contemporaneously with the Treaty of Friendship and Cooperation between the United States and Spain.

DONE in Madrid, this 24th day of January, 1976, in duplicate, in the Spanish and English languages, both texts being equally authentic.

For Spain:

[Signed — Signé]¹

For the United States of America:

[Signed — Signé]²

¹ Signed by José María de Areilza y Martínez-Rodas — Signé par José María de Areilza y Martínez-Rodas.

² Signed by Henry A. Kissinger — Signé par Henry A. Kissinger.

EXCHANGE OF NOTES — ÉCHANGE DE NOTES

I

Madrid, January 24, 1976

No. 73

Excellency:

I have the honor to refer to Article X of Supplementary Agreement No. Seven on Cooperation Regarding Materiel for the Armed Forces. With respect to the implementation of the provisions of this Agreement, I have the honor to inform Your Excellency of the following:

The price agreed for the lease of the 42 F-4E aircraft will be \$53 million for a period of five years.

The delivery of these aircraft shall be completed no later than February 1, 1977, or, alternatively, no later than 180 days after the ratification of the Treaty, if the latter occurs after February 1, 1977.

The Government of the United States shall pay the Government of Spain the amount of \$55 million for the sale of 34 F-4C aircraft, including support equipment and accessories specific to these aircraft.

I have the honor to propose to Your Excellency that, if the above is acceptable to your Government, this note and Your Excellency's note in reply to that effect shall constitute an agreement between our two Governments.

Accept, Excellency, the assurances of my highest consideration.

[Signed]

ROBERT J. McCLOSKEY
Ambassador-at-Large

His Excellency Juan José Rovira y Sánchez-Herrero
Ambassador of Spain
Ministry of Foreign Affairs
Madrid

II

[SPANISH TEXT — TEXTE ESPAGNOL]

MINISTERIO DE ASUNTOS EXTERIORES
MADRID

24 de enero de 1976

Señor Embajador:

Tengo la honra de referirme a la Nota de Vuestra Excelencia de fecha de hoy, cuyo texto, traducido al español, es el siguiente:

« Señor Embajador: Tengo el honor de referirme al Artículo X del Acuerdo Complementario Número 7 sobre Cooperación en Asuntos de Material para las Fuerzas Armadas. Para el cumplimiento de lo dispuesto en dicho Acuerdo, tengo el honor de informar a V. E. lo siguiente:

El precio convenido para el arriendo de los 42 aviones F-4E será de cincuenta y tres millones de dólares por un periodo de cinco años.

La entrega de estos aviones quedará terminada en su totalidad no más tarde del 1 de febrero de 1977 o alternativamente no más tarde de 180 días después de la ratificación del Tratado, si esta segunda fecha fuera posterior al 1 de febrero de 1977.

El Gobierno de los Estados Unidos pagará al Gobierno de España la cantidad de cincuenta y cinco millones de dólares por la venta de treinta y cuatro aviones F-4C, así como el equipo y accesorios de apoyo específicos para estos aviones.

Tengo la honra de proponer a V. E. que, si lo que antecede es aceptable para su Gobierno, esta Nota y la Nota de contestación de V. E. constituya un Acuerdo entre nuestros dos Gobiernos.

Aprovecho esta oportunidad, para reiterar a V. E. las seguridades de mi más alta consideración. »

Deseo manifestar a V. E. que el Gobierno de España expresa su conformidad con que la Nota de V. E., juntamente con esta contestación, constituyan un acuerdo entre nuestros dos Gobiernos.

Le ruego acepte, Señor Embajador, el testimonio de mi más alta consideración.

[Signed — Signé]

JUAN JOSÉ ROVIRA Y SÁNCHEZ-HERRERO
Embajador de España

Excelentísimo Señor Robert McCloskey
Embajador de los Estados Unidos de América
Washington, D. C.

[TRANSLATION¹ — TRADUCTION²]

MINISTRY OF FOREIGN AFFAIRS
MADRID

January 24, 1976

Mr. Ambassador:

I have the honor to refer to Your Excellency's note dated today, which translated into Spanish reads as follows:

[See note I]

I wish to state to Your Excellency that the Government of Spain expresses its agreement that your note, together with this reply, shall constitute an agreement between our two Governments.

Accept, Mr. Ambassador, the assurances of my highest consideration.

JUAN ROVIRA S.

His Excellency Robert McCloskey
Ambassador of the United States of America
Washington, D. C.

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

² Traduction fournie par le Gouvernement des Etats-Unis d'Amérique.