

No. 5745

**UNITED STATES OF AMERICA
and
FRANCE**

**Exchange of notes constituting an agreement relating to a
weapons production program. Paris, 19 September
1960**

Official texts : English and French.

Registered by the United States of America on 7 July 1961.

**ÉTATS-UNIS D'AMÉRIQUE
et
FRANCE**

**Échange de notes constituant un accord relatif à un pro-
gramme de production d'armes. Paris, 19 septembre 1960**

Textes officiels anglais et français.

Enregistré par les États-Unis d'Amérique le 7 juillet 1961.

No. 5745. EXCHANGE OF NOTES
CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES
OF AMERICA AND FRANCE RE-
LATING TO A WEAPONS PRO-
DUCTION PROGRAM. PARIS, 19
SEPTEMBER 1960

Nº 5745. ÉCHANGE DE NOTES CON-
STITUANT UN ACCORD¹ ENTRE
LES ÉTATS-UNIS D'AMÉRIQUE
ET LA FRANCE RELATIF À UN
PROGRAMME DE PRODUCTION
D'ARMES. PARIS, 19 SEPTEM-
BRE 1960

I

*The American Ambassador to the Secretary
General, French Ministry of Foreign
Affairs*

*L'Ambassadeur des États-Unis d'Amé-
rique au Secrétaire général du Ministère
des affaires étrangères de la République
française*

Paris, September 19, 1960

No. 71

Excellency :

I have the honor to refer to recent discussions between representatives of our two governments concerning the implementing of the program for the production of armaments known in the United States as the "Weapons Production Program" which is translated into French as "Programme de Production d'Armes".

The purpose of this program is to increase the capacity of member countries of the North Atlantic Treaty² Organization, acting jointly or individually, to produce, maintain, repair, and overhaul military material and equipment needed for their mutual defense.

The discussions have been directed towards the conditions under which the Government of the United States of America can make available its assistance for the execution of all or part of the projects comprehended within the framework of this program.

As a result of these discussions, agreement was reached on the following points :

¹ Came into force on 19 September 1960, in accordance with the provisions of the said notes.

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

¹ Entré en vigueur le 19 septembre 1960, conformément aux dispositions desdites notes.

TITLE I

1) Within the framework of the "Weapons Production Program" and with a view to assisting in the manufacture, maintenance, repair, and overhaul of equipment and materials needed for the common defense, the Government of the United States of America will furnish the Government of the French Republic with such equipment, materials, services and information as may be mutually agreed in technical arrangements drawn up in conformity with article 4) of this Title.

2) This assistance will be furnished in accordance with the principles and conditions set forth in the Mutual Defense Assistance Agreement concluded between the Governments of the French Republic and the United States of America on January 27, 1950,¹ as amended and supplemented by the agreements effected by the exchanges of notes of January 5, 1952² and September 23, 1955,³ respectively, and in any other applicable agreements between our two governments.

3) This assistance may apply to projects, mutually agreed upon, including :

- a) projects carried out exclusively by the Government of the French Republic, or
- b) joint projects of coordinated production. Such joint projects may be carried out by member countries of NATO, under the aegis of NATO, or through NATO or subsidiary bodies of the North Atlantic Council created for this purpose and composed of representatives of the countries participating in the project.

As a consequence, the assistance made available by the Government of the United States of America may be furnished, under conditions mutually agreed upon, to the Government of the French Republic, or to the government of the country designated as responsible for carrying out a project of coordinated production, or to the member governments of the subsidiary body created for the execution of a project of coordinated production, or to the subsidiary body itself, or to the North Atlantic Treaty Organization.

The commitments of the Government of the French Republic set forth in this exchange of notes will extend to projects carried out exclusively by it or to the part which it assumes in executing joint projects of coordinated production in which it participates.

4) The technical arrangements needed for carrying out this exchange of notes will be concluded between appropriate representatives of the Government of the United States of America and of the Government of the French Republic acting individually or jointly with those of other interested governments for each project and, where appropriate, of NATO or subsidiary bodies of the North Atlantic Council.

These arrangements will specify, in particular, the nature and amounts of the contributions to be made by each government, the description of the assistance to be furnished, the conditions of repayment, if any, of the assistance, the description and purpose of the facilities to be established, conditions concerning technical assistance and proprietary rights, appropriate security arrangements, and other appropriate conditions.

¹ United Nations, *Treaty Series*, Vol. 80, p. 171 ; Vol. 304, p. 349, and Vol. 337, p. 397.

² United Nations, *Treaty Series*, Vol. 181, p. 177.

³ United Nations, *Treaty Series*, Vol. 270, p. 341.

Such arrangements may provide for the procurement in France by the Government of the United States of America under the Off-Shore Procurement Program of supplies to be placed at the disposition of governments entitled to the benefits of the Military Assistance Program.

TITLE II

In return for the assistance of the Government of the United States of America envisaged in Title I above :

1) The Government of the French Republic will furnish or cause to be furnished the land, buildings, equipment, materials, and services required for the development of existing facilities or for the establishment of new facilities, except for the equipment, materials, and services to be furnished either by the Government of the United States of America or by other governments participating in joint projects.

The Government of the French Republic will facilitate in every possible way the expansion or establishment of the facilities referred to in the preceding paragraph.

2) The Government of the French Republic will maintain or cause to be maintained in good condition the additional facilities created with the assistance of the Government of the United States of America, so that they may be quickly used in case of need to produce, maintain, repair or overhaul equipment and materials destined for the common defense.

The equipment furnished by the Government of the United States of America and the additional facilities foreseen in the foregoing paragraph may, after notification to, and in the absence of objections from, the Government of the United States of America, be used for other purposes, provided that such use will not interfere with their immediate availability for the envisaged in this exchange of notes.

Nevertheless, such use may be envisaged only after agreement between appropriate representatives of the Government of the French Republic and the Government of the United States of America in the case of equipment or facilities considered classified by the Government of the United States of America or of installations permitting the production of materials considered classified by the latter.

3) It is understood that the capacity of facilities set up as a result of United States assistance, and which are the subject of article 2) above, will be additional to the capacity of facilities of the same type, whether under public or private ownership, already existing in France, or already programmed by the Government of the French Republic.

The Government of the French Republic will make every effort to maintain or to cause to be maintained the total capacity of all the facilities mentioned in the preceding paragraph at the level envisaged on the date of signature of each of the technical arrangements referred to in article 4 of Title I.

4) If changed circumstances make the continued fulfillment of the commitments concerning the maintenance of facilities envisaged in this Title either unnecessary from the standpoint of defense or unattainable from a practical standpoint, the Government of the French Republic may, after consultation with the Government of the United States of America, modify the said commitments to take into account these changed conditions.