

No. 44001. Multilateral

TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE. PARIS, 19 NOVEMBER 1990 [*United Nations, Treaty Series*, vol. 2441, 2442 and 2443, I-44001.]

EXCHANGE OF NOTES BETWEEN THE KINGDOM OF THE NETHERLANDS AND THE UNITED STATES OF AMERICA CONSTITUTING AN AGREEMENT ON PROCEDURES CONCERNING INSPECTIONS IN ACCORDANCE WITH THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE. THE HAGUE, 19 SEPTEMBER 1991*

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N° 44001. Multilatéral

TRAITÉ SUR LES FORCES ARMÉES CONVENTIONNELLES EN EUROPE. PARIS, 19 NOVEMBRE 1990 [*Nations Unies, Recueil des Traités*, vol. 2441, 2442 and 2443, I-44001.]

ÉCHANGE DE NOTES ENTRE LE ROYAUME DES PAYS-BAS ET LES ÉTATS-UNIS D'AMÉRIQUE CONSTITUANT UN ACCORD CONCERNANT LES PROCÉDURES RELATIVES AUX INSPECTIONS CONFORMÉMENT AU TRAITÉ SUR LES FORCES ARMÉES CONVENTIONNELLES EN EUROPE. LA HAYE, 19 SEPTEMBRE 1991*

Entrée en vigueur : 9 novembre 1992, conformément aux dispositions des dites notes

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I

MINISTRY OF FOREIGN AFFAIRS

The Hague

Atlantic Cooperation and Security
Affairs Department
Verification Section
DAV/VF-N 340

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the Embassy of the United States of America and has the honour with reference to the Treaty on Conventional Armed Forces in Europe, done in Paris on November 19, 1990 (hereinafter referred to as the CFE Treaty), and with a view to ensuring continued close co-operation and consistent with the Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces of June 19, 1951, and related Agreements, to propose on behalf of the Government of the Kingdom of the Netherlands the following procedures concerning inspections in accordance with the CFE Treaty on the territory of the Kingdom of the Netherlands of conventional armaments and equipment subject to the CFE Treaty

belonging to the United States of America, of equipment or materiel belonging to the United States of America, and of structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands.

I.

In every case where the Government of the United States of America receives a notification from an inspecting State Party about the latter State Party's intent to conduct (an) inspection(s) pursuant to Section VII or VIII of the Protocol on Inspection on the territory of the Kingdom of the Netherlands, the Government of the United States of America shall immediately upon its receipt send a copy of that notification to the Government of the Kingdom of the Netherlands. In every case where the Kingdom of the Netherlands receives a notification from an inspecting State Party about the latter State Party's intent to conduct (an) inspection(s) pursuant to Section VII or VIII of the Protocol on Inspection on the territory of the Kingdom of the Netherlands, the Government of the Kingdom of the Netherlands shall immediately upon its receipt send a copy of that notification to the Government of the United States of America pursuant to Section IV, Paragraph 5, and Section VIII, Paragraph 3, of the Protocol on Inspection.

II.

The following procedures shall apply in fulfillment of the provisions of the Protocol on Inspection of the CFE Treaty in the case where the Government of the Kingdom of the Netherlands either:

a) receives a notification from an inspecting State Party about the latter's intent to conduct (an) inspection(s) pursuant to section VII or VIII of the Protocol on Inspection on the territory of the Kingdom of the Netherlands, and the Government of the United States of America simultaneously receives a notification of that inspecting State Party's intent to inspect, in the course of its inspection team's stay within the territory of the Kingdom of the Netherlands also or exclusively conventional armed forces of the United States of America stationed on the territory of the Kingdom of the Netherlands; or

b) receives a notification from an inspecting State Party about the latter's intent to conduct (an) inspection(s) pursuant to Section VII or VIII of the Protocol on Inspection on the territory of the Kingdom of the Netherlands and an exercise involving the armed forces of the United States of America shall take place within the territory of the Kingdom of the Netherlands during the period the inspection team shall be present within the territory of the Kingdom of the Netherlands:

– The Government of the United States of America shall provide a

liaison officer to the Netherlands escort team at the time of arrival of an inspection team at the Point of Entry.

- The liaison officer shall be included on the escort team throughout the period that the inspection team is within the territory of the Kingdom of the Netherlands.

- Except as otherwise stated in this Note, the liaison officer shall play no role on the escort team until the inspection team declares an inspection of an Object of Verification of the United States of America or until conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, or equipment or materiel belonging to the United States of America, or structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands are encountered during an inspection of a declared site or during an inspection within a specified area.

- The liaison officer shall be present at and have the right to participate in the examination of equipment and supplies that the inspecting State Party brings into the territory of the Kingdom of the Netherlands pursuant to Section V, Paragraphs 5, 6 and 7, of the Protocol on Inspection.

- In addition to the notifications that shall be provided by the Government of the United States of America pursuant to the Protocol on Inspection, the liaison officer shall be provided notifications by the Government of the Kingdom of the Netherlands of the receipt of notifications of inspections conducted pursuant to Section VII or VIII of the Protocol of Inspection. The liaison officer shall be the point of contact for delivery of notifications of inspection of Objects of Verification of the United States of America.

- The liaison officer shall be furnished transportation, lodging, meals, work space and, as necessary, medical care or any other emergency assistance by the Government of the Kingdom of the Netherlands. The Government of the United States of America shall be liable to reimburse the expenses for all the above services furnished by the Government of the Kingdom of the Netherlands to the liaison officer of the Government of the United States of America.

- Conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, equipment or materiel belonging to the United States of America, and structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands and located on the territory of the Kingdom of the Netherlands shall not be inspected unless a representative of the Government of the United States of America is present on the escort team.

- The representatives of the Government of the United States of America shall exercise the rights and obligations of the inspected State Party – such as provisions concerning the designation of sensitive points, shrouding, and other access control provisions specified in the

Protocol on Inspection – with respect to conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, equipment or materiel belonging to the United States of America, and structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands. Additionally, any ambiguity arising concerning conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, equipment or materiel belonging to the United States of America, or structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands, shall be dealt with by the senior United States of America escort.

III.

In the case where only the Government of the Kingdom of the Netherlands receives a notification from an inspecting State Party about the latter State Party's intent to conduct (an) inspection(s) pursuant to Section VII or VIII of the Protocol on Inspection on the territory of the Kingdom of the Netherlands, and the inspection site declared by the inspection team, declared either at the Point of Entry or subsequently, is one at which conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, equipment or materiel belonging to the United States of America, or structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands are present, the Government of the Kingdom of the Netherlands shall immediately notify the Government of the United States of America of that fact and the location of the inspection site.

The representatives of the Government of the United States of America shall exercise the rights and obligations of the inspected State Party – such as provisions concerning the designation of sensitive points, shrouding, and other access control provisions specified in the Protocol on Inspection – with respect to conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, equipment or materiel belonging to the United States of America, and structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands. Additionally, any ambiguity arising concerning conventional armaments and equipment subject to the CFE Treaty belonging to the United States of America, equipment or materiel belonging to the United States of America, or structures or premises utilized by the United States of America by agreement with the Government of the Kingdom of the Netherlands, shall be dealt with by the senior United States of America escort.

– Except as otherwise stated in this Note, the liaison officer shall play no role on the escort team until conventional armaments and