

No. 3393

**UNITED STATES OF AMERICA
and
FEDERAL REPUBLIC OF GERMANY**

**Mutual Defense Assistance Agreement (with related note).
Signed at Bonn, on 30 June 1955**

Official texts: English and German.

Registered by the United States of America on 9 May 1956.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Accord d'assistance pour la défense mutuelle (avec note y
relative). Signé à Bonn, le 30 juin 1955**

Textes officiels anglais et allemand.

Enregistré par les États-Unis d'Amérique le 9 mai 1956.

No. 3393. MUTUAL DEFENSE ASSISTANCE AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND
THE FEDERAL REPUBLIC OF GERMANY. SIGNED
AT BONN, ON 30 JUNE 1955

The United States of America and the Federal Republic of Germany,
Being parties to the North Atlantic Treaty signed at Washington on April 4,
1949;²

Considering their reciprocal pledges under Article 3 of the North Atlantic Treaty separately and jointly with the other parties, by means of continuous and effective self-help and mutual aid, to maintain and develop their individual and collective capacity to resist armed attack;

Conscious of the desire to foster international peace and security through measures which further the ability of nations dedicated to the purposes and principles of the Charter of the United Nations to participate effectively in arrangements for collective self-defense in support of those purposes and principles, and conscious of the determination to give their full cooperation to United Nations collective security arrangements and measures and efforts to obtain agreement on universal regulation and reduction of armaments under adequate guarantees against violation or evasion;

Considering the support which the Government of the United States of America has brought to these principles by enacting the Mutual Security Act of 1954, which authorizes the furnishing of military assistance to certain nations;

Desiring to set forth the conditions which will govern the furnishing of such assistance;

Have agreed as follows:

Article I

1. The Government of the United States of America will make available to the Government of the Federal Republic of Germany such equipment, materials, services, or other assistance as the Government of the United States of America may authorize and in accordance with such terms and conditions as may be agreed. Such assistance as may be made available by the Government

¹ Came into force on 27 December 1955, upon the deposit of the instrument of ratification by the Federal Republic of Germany with the Government of the United States of America, in accordance with article XI.

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

of the United States of America under the agreement will be furnished under the authority and subject to all of the terms, conditions and termination provisions of the Mutual Security Act of 1954, acts amendatory and supplementary thereto and appropriation acts thereunder. The furnishing and use of any such assistance shall be consistent with the principles of the Charter of the United Nations and with the principles of Article 3 of the North Atlantic Treaty.

2. The Government of the Federal Republic of Germany will make effective use of assistance received under this agreement for the purpose of promoting an integrated defense of the North Atlantic area in accordance with defense plans formulated by the North Atlantic Treaty Organization, and will not use such assistance for any act inconsistent with the strictly defensive character of the North Atlantic Treaty, or, without the prior consent of the Government of the United States of America, for any other purpose. The two Governments will establish arrangements in which both Governments will participate to ensure that equipment and materials received under this agreement, other than equipment or material sold under Section 106 of the Mutual Security Act of 1954, and no longer required or used exclusively for the purpose for which they were furnished or in accordance with the terms and conditions under which they were furnished will be offered for return to the Government of the United States of America for appropriate disposition.

3. In the common security interest of the parties, the Government of the Federal Republic of Germany will not transfer to any person not an officer or agent of that Government, or to any nation other than the United States of America, title to or possession of any equipment, materials, property, information, or services furnished pursuant to this Agreement without the prior consent of the Government of the United States of America.

4. The Government of the Federal Republic of Germany may use equipment, materials, or services acquired from the Government of the United States of America on a reimbursable basis under the agreement (exchange of notes) of November 23, 1953,¹ for the purpose for which it will use equipment, materials, or services acquired under this Agreement.

Article II

1. The Government of the Federal Republic of Germany will make available to the Government of the United States of America and to such other governments as the parties hereto may in each case agree upon, such equipment, materials, services, or other assistance as may be authorized, in accordance

¹ United Nations, *Treaty Series*, Vol. 224, p. 107.

with such terms and conditions as may be agreed between the two Governments. The furnishing and use of such assistance shall be consistent with the principles of the Charter of the United Nations and with the obligations under Article 3 of the North Atlantic Treaty.

2. In conformity with the principle of mutual aid, the Government of the Federal Republic of Germany will facilitate the production and transfer to the Government of the United States of America, for such period of time, in such quantities and upon such terms and conditions as may be agreed, of raw and semi-processed materials required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, and which may be available in the territory of the Federal Republic of Germany. Arrangements shall give due regard to the requirements of the Federal Republic of Germany for domestic use and commercial export of such materials.

Article III

The two Governments will, upon the request of either of them, negotiate appropriate arrangements relating to the exchange of patent rights and technical information for defense, in order to expedite such exchanges and at the same time protect private interests and maintain necessary security safeguards.

Article IV

1. The Government of the Federal Republic of Germany will take such security measures as may be agreed between the two Governments in order to prevent the disclosure or compromise of classified equipment, materials, services, or information furnished pursuant to this Agreement.

2. Each Government will, consistent with security requirements, take appropriate measures to keep the public informed of operations under this Agreement.

Article V

The two Governments will establish procedures whereby the Government of the Federal Republic of Germany will so deposit, segregate or assure title to all funds allocated to or derived from any program of assistance undertaken by the Government of the United States of America so that such funds shall not, unless otherwise agreed hereafter, be subject to garnishment, attachment, seizure or other legal process by any person, firm, agency, corporation, organization or government.