

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1982 Nr. 62

A. TITEL

*Briefwisseling tussen de Regering van het Koninkrijk der Nederlanden en de Noord-Atlantische Verdragsorganisatie houdende een overeenkomst inzake het functioneren in Nederland van het NATO Airborne Warning and Control Programme Management Agency (NAPMA);
's-Gravenhage/Brussel, 31 augustus/11 september 1979*

B. TEKST

De tekst van de brieven is geplaatst in *Trb.* 1979, 159.

D. PARLEMENT

Zie *Trb.* 1979, 159.

G. INWERKINGTREDING

Zie *Trb.* 1979, 159.

I. GEGEVENS

Zie *Trb.* 1979, 159.

Op 17 maart en 11 juni 1981 zijn te 's-Gravenhage brieven gewisseld tussen de Regering van het Koninkrijk der Nederlanden en de Regering van de Verenigde Staten van Amerika houdende een aanvullende overeenkomst bij de onderhavige overeenkomst. De tekst van die brieven luidt als volgt:

Nr. I

The Hague, March 17, 1981

No. 28
Excellency:

I have the honor to refer to the Ottawa Agreement of September 20, 1951, and to the Supplementary Agreement concerning the NATO Airborne Early Warning and Control Programme Management Agency (NAPMA) described in the exchange of letters of August 31, 1979 and September 11, 1979 between yourself and the Secretary General of NATO, which had a retroactive effect as from July 1, 1979. I have the honor to refer also to the convention between our Governments with respect to taxes on income and certain other taxes of April 29, 1948, and amendments thereto.'

In support of this NATO program, the United States Government has contracted, through the United States Air Force, with the MITRE Corporation, a non-profit Federal Contract Research Center, to provide certain management services to NAPMA. MITRE personnel are presently serving with NAPMA at Brunssum. These MITRE employees will reside in the Netherlands while performing under this contract. Currently, there are four employees of MITRE working and living in the Netherlands. A copy of the MITRE "technical objectives and plans" document, which in effect is the USAF/MITRE contract, is enclosed for your information.

I believe that the status of the MITRE personnel located in the Netherlands is defined by the Ottawa agreement and by paragraph 8 of the NAPMA Supplementary Agreement. Additionally, I believe that the MITRE personnel are exempt from the Netherlands taxes identified in the Bilateral Tax Convention, as amended, which is mentioned above.

I have the honor to propose that if the understanding set forth above is acceptable to you, this letter and your affirmative reply will constitute a bilateral Supplementary Agreement to the exchange of letters between yourself and the Secretary General of NATO on August 31, 1979, and September 11, 1979, concerning NAPMA.

Accept, Excellency, the assurances of my highest consideration.

(sd.) Th. J. DUNNIGAN

Enclosure: MITRE Technical Objectives and Plans¹⁾.

*His Excellency
C. A. van der Klaauw
Minister for Foreign Affairs of
The Netherlands*

¹⁾ Niet afgedrukt.

Nr. II

II June 1981

Sir,

Referring to your letter nr. 28 of the 17th of March 1981 concerning the Status of MITRE Personnel, I have the honour to inform you of the following.

As the personnel of that organization has been contracted to support directly the activities of NAPMA in the Netherlands and as their salaries will be chargeable to the latter, I consider their status defined by the Ottawa agreement and by paragraph 8 of the NAPMA Supplementary Agreement.

Provided the contracts of the abovementioned personnel are signed for a period of at least six months, exemption from the Netherlands taxes identified in article XV, para 1, of the 1948 Bilateral Tax Convention, as amended, will be granted.

I concur with your proposal that your letter and this reply will constitute a bilateral supplementary agreement to the exchange of letters between the Secretary General of NATO and myself dated 31 August and 11 September 1979 concerning NAPMA.

Faithfully yours

C. A. VAN DER KLAUW

*The Honorable Th. J. Dunnigan
Chargé d'Affaires a.i. of
the United States of America
The Hague*

De in de brieven vervatte overeenkomst is op 11 juni 1981 in werking getreden.

Zij behoefde op grond van artikel 3 van de Wet van 24 december 1947 (*Stb.* H 452), juncto artikel 62, eerste lid, van de Grondwet, niet de goedkeuring der Staten-Generaal alvorens in werking te treden (vergelijk rubriek D van *Trb.* 1979, 159).

Van het op 29 april 1948 tot stand gekomen Verdrag tussen het Koninkrijk der Nederlanden en de Verenigde Staten van Amerika met betrekking tot belastingen van inkomsten en bepaalde andere belastingen, naar welke Overeenkomst onder meer in de eerste alinea van brief Nr. I wordt verwezen, is de tekst geplaatst in *Stb.* J 80; zie ook, laatstelijk, *Trb.* 1966, 183.

Uitgegeven de *negentiende* mei 1982.

De Minister van Buitenlandse Zaken,
M. VAN DER STOEL