

11 (1983) Nr. 2

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1994 Nr. 273

A. TITEL

*Overeenkomst tussen het Koninkrijk der Nederlanden en de Verenigde Staten van Amerika inzake wederzijdse (militaire) logistieke steunverlening, met bijlagen;
Stuttgart, 22 februari 1983*

B. TEKST

De tekst van Overeenkomst en bijlagen is geplaatst in *Trb.* 1983, 63.

D. PARLEMENT

Zie *Trb.* 1983, 63.

Bij brieven van 19 mei 1983 is de Overeenkomst medegedeeld aan de Eerste en de Tweede Kamer van de Staten-Generaal.

G. INWERKINGTREDING

Zie *Trb.* 1983, 63.

J. GEGEVENS

Zie *Trb.* 1983, 63.

In overeenstemming met artikel 102 van het Handvest van de Verenigde Naties is de Overeenkomst op 18 juni 1984 geregistreerd bij het Secretariaat van de Verenigde Naties onder no 22955. De tekst van de Overeenkomst, alsmede een vertaling in het Frans, is afgedrukt in „Recueil des Traités” van de Verenigde Naties, deel 1359, blz. 257 e.v.

In overeenstemming met artikel V, tweede lid, van de Overeenkomst is op 20 maart 1992 een Overeenkomst tot wijziging van de onderhavige Overeenkomst tot stand gekomen. De tekst van de Overeenkomst luidt als volgt:

**Agreement Amending the Mutual Support Agreement Concerning
the Provision of Mutual Logistic Support, Supplies, and Services
between the United States of America and the Kingdom of the
Netherlands**

The Government of the United States of America and the Government of the Kingdom of the Netherlands (hereinafter referred to as the Parties):

Desiring to further the cooperation between them within the framework of the Mutual Defense Assistance Agreement of January 27, 1950;

Having due regard for the provision of the Mutual Support Agreement of February 22, 1983 (hereinafter "the Mutual Logistics Support Agreement"), and, in particular, Article V, paragraph 2, thereof;

Have agreed to amend the Mutual Logistic Support Agreement as follows:

Article 1

a) article I, *definitions*, paragraph g, "Europe and Adjacent Waters" is deleted in its entirety.

b) article II, *applicability*, paragraph 1 is deleted, and the following paragraph is inserted:

"1. This agreement applies to provision of logistic support, supplies, and services to the military forces of one Party by the military forces of the other Party."

c) article III, paragraph 3, *basic terms and conditions*. The first six lines (the chapeau language) is deleted and replaced with the following language:

"3. For any logistic support, supplies or services, the Parties may negotiate for payment either in cash in the currency specified by the supplying Party (a 'reimbursable transaction'); payment-in-kind (an 'exchange transaction'); or payment in 'equal value' to be defined in monetary terms only. Accordingly, the receiving Party will pay the supplying Party in conformance with 3 a., 3 b., or 3 c. below."

d) article III, paragraph 3, *basic terms and conditions*. The following subparagraph is added:

"c. Equal Value. The term 'equal value' means logistics support, supplies, or services defined in monetary terms using actual or estimated prices in effect at the time a transaction is approved. Both Parties will maintain records of all transactions, and the receiving Party will pay the supplying Party by transferring to the supplying Party logistic support, supplies, or services that are equal in value to the logistic support, supplies, or services delivered or performed by the supplying Party and which are satisfac-

tory to the supplying Party. If the receiving Party does not pay in 'equal value' within the terms of an exchange schedule, in effect or agreed to at the time of the original transaction (which may not provide for payment more than twelve months from the date of the original transaction), the transaction shall be deemed a reimbursable transaction and governed by paragraph 3 a. of the Agreement as amended. Any payment resulting from a reimbursable transaction will be made in accordance with the receiving Party's fiscal policies and procedures."

e) All other provisions of the Mutual Support Agreement dated 22 February 1983 shall remain unchanged.

Article 2

a) This Amendment, drawn up in two originals, in the English language, shall enter into force on the date of the last signature.

For the Government of the Kingdom of the Netherlands

(sd.) H. VAN DER VALK

Date: 27 February 1992

Place: The Hague

For the Government of the United States of America

(sd.) DENNIS L. BENCHOFF

Date: 20 March 1992

Place: HQ USEUCOM

Stuttgart-Vaihingen, Germany

De wijzigingsovereenkomst behoefde ingevolge additioneel artikel XXI, eerste lid, onderdeel b, van de Grondwet, juncto artikel 62, eerste lid, onderdeel b, van de Grondwet naar de tekst van 1972, niet de goedkeuring van de Staten-Generaal alvorens in werking te kunnen treden. De wijzigingsovereenkomst is ingevolge haar artikel 2 op 20 maart 1992 in werking getreden.

Uitgegeven de *zestiende* december 1994.

De Minister van Buitenlandse Zaken,

H. A. F. M. O. VAN MIERLO