

No. 234/2011

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Malta and has the honor to inform the Ministry that the text of U.S. Embassy Diplomatic Note 140/2011, has been revised as follows below:

The Embassy of the United States of America has the honor to refer to earlier discussions between representatives of the two governments regarding grants under the Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defense articles, related training, and other defense services, including pursuant to the United States International Military Education and Training Program and section 1206 of the National Defense Authorization Act of 2006, as amended, from the United States of America to the Government of the Republic of Malta pursuant to the Foreign Assistance Act of 1961, or successor legislation;

In this regard the Embassy refers to the Agreement concerning the provision of training related to defense articles under the International Military and Education (IMET) Program, effected by an exchange of notes at Valletta February 8, 1989, and February 13, 1989.

In accordance with the above, it is proposed that the Government of the Republic of Malta agree:

A. That unless the consent of the Government of the United States of America has been first obtained the Government of the Republic of Malta shall not:

(I) Permit any use of such defense articles, related training, including training materials, or other defense services by anyone not an officer, employee or agent of the Government of the Republic of Malta;

(II) Transfer, or permit any officer, employee or agent of the Government of the Republic of Malta to transfer, such defense articles, related training, including training materials, or other defense services by gift, sale or otherwise; or

(III) Use, or permit the use of, such defense articles, related training, including training materials, or other defense services for purposes other than those for which provided;

B. That such defense articles, related training, including training materials, or other defense services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition:

C. That the net proceeds of sale received by the Government of the Republic of Malta in disposing of, with prior written consent of the Government of the United States of America, any defense article furnished by the Government of the United States of America on a grant basis, including scrap from any such defense article, shall be paid to the Government of the United States of America;

D. That the Government of the Republic of Malta shall maintain the security of such defense articles, related training, including training materials, and other defense services; that it shall provide substantially the same degree of security protection afforded to such defense articles, related training, including training materials, and other defense services by the Government of the United States of America; and that it shall, as the Government of the United States of America may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of the Republic of Malta; and

E. That the Government of the United States of America may also, from time to time, make the provision of articles and services furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of the agreement proposed herein. (Transfers under the United States

Arms Export Control Act shall continue to be governed by the requirements of that Act and United States regulations applicable to such transfers.)

The Ministry of Foreign Affairs' note stating that the foregoing is acceptable to the Government of the Republic of Malta shall, together with this note, constitute an agreement between the two governments, which shall enter into force on the date of the Ministry's note and shall supersede in its entirety the aforementioned agreement concerning the provision of training related to defense articles under the International Military Education and Training (IMET) Program, effected by an exchange of notes at Valletta February 6, 1989, and February 13, 1989.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Malta the assurances of its highest consideration.

Enclosure: Proposed Text for Response.

Embassy of the United States of America,

Valletta, November 30, 2011.





NV No 2257/2011

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States and has the honour to refer to Note Verbale 234/2011 dated 30 November 2011 regarding grants under the United States Foreign Assistance Act of 1961, as amended, or successor legislation, and the furnishing of defence articles, related training, and other defence services, including pursuant to the United States International Military Education and Training Program and section 1206 of the United States National Defence Authorization Act of 2006, as amended, from the United States of America to the Government of Malta pursuant to the said Foreign Assistance Act of 1961, or successor legislation.

In this regard the Ministry refers to the Agreement concerning the provision of training related to defence articles under the International Military and Education (IMET) Program, effected by an exchange of notes at Valletta on 6 February 1989, and on 13 February 1989.

In accordance with these discussions, the Government of Malta agrees:

That unless the consent of the Government of the United States of America has been first obtained, the Government of Malta shall not:

Permit any use of such defence articles, related training, including training materials, or other defence services by anyone not an officer, employee or agent of the Government of Malta;

Transfer, or permit any officer, employee or agent of the Government of Malta to transfer, such defence articles, related training, including training materials, or other defence services by gift, sale or otherwise; or

Use, or permit the use of, such defence articles, related training, including training materials, or other defence services for purposes other than those for which provided;

That such defence articles, related training, including training materials, or other defence services shall be returned to the Government of the United States of America when they are no longer needed for the purposes for which they were furnished, unless the Government of the United States of America consents to another disposition;

That the net proceeds of sale received by the Government of Malta in disposing of, with prior written consent of the Government of the United States of America, any defence article furnished by the Government of the United States of America on a grant basis, including proceeds from any such a defence article, shall be paid to the Government of the United States of America;

That the Government of Malta shall maintain the security of such defence articles, related training, including training materials, and other defence services; that it shall provide substantially the same degree of security protection afforded to such defence articles, related training, including training materials, and other defence services by the Government of the United States of America; and that it shall, as the Government of the United States of America may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of Malta; and

That the Government of the United States of America may also, from time to time, make the provision of articles and services furnished under other authority (except the United States Arms Export Control Act) subject to the terms and conditions of the agreement proposed herein. (Transfers under the United States Arms Export Control Act shall continue to be governed by the requirements of that Act and United States regulations applicable to such transfers.)

The Embassy of the United States' Note Verbale No 234/2011 stating that the foregoing is acceptable to the Government of Malta and shall, together with this Note, constitute an agreement between the two governments, which shall enter into force on the date of the Ministry's Note Verbale and shall supersede in its entirety the aforementioned Agreement concerning the provision of training related to defence articles under the International Military Education and Training (IMET) Program, effected by an exchange of notes at Valletta on 6 February 1989, and on 13 February 1989.

The Ministry of Foreign Affairs avails itself of the opportunity to renew to the Embassy of the United States of America the assurances of its highest considerations.

Valletta 15th December 2011



Embassy of the United States of America
VALLETTA