

DEFENSE ASSISTANCE

**Agreement between the
UNITED STATES OF AMERICA
and ITALY**

Effected by Exchange of Notes
Dated at Rome October 11 and December 18, 2002



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“. . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

ITALY

Defense Assistance

*Agreement effected by exchange of notes
Dated at Rome October 11 and December 18, 2002;
Entered into force December 18, 2002.*

No. 902

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Government of Italy and refers to the provision of United States law that requires the Government of the United States of America, prior to a grant under the Foreign Assistance Act of 1961, as amended, or successor legislation, or sale or lease under Section 3 of the Arms Export Control Act, as amended, or successor legislation, of defense articles, related training and other defense services, to obtain assurances from recipient nations of such defense articles, related training and other defense services. The Government of the United States of America is currently and may in the future be providing assistance to the Government of Bulgaria, as the Headquarters Host Nation of the South Eastern European Brigade (SEEBRIG), as well as to future SEEBRIG Headquarters Host Nations for the establishment of a Communications Information System (CIS), for use by all SEEBRIG member states in furtherance of SEEBRIG operations. Prior to permitting the temporary transfer and use of any such defense articles, related training and other defense services from the Government of Bulgaria or any other SEEBRIG member nation acting as the SEEBRIG Headquarters Host Nation, to the Government of Italy for use in SEEBRIG operations, the Government of the United States of America is required to obtain from the Government of Italy the assurances below:

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

(I) Use or permit the use of such defense articles, related training or other defense services for purposes other than for SEEBRIG operations;

(II) Permit any use of such defense articles, related training or other defense services by anyone not an officer, employee or agent of the Government of Italy;

(III) Transfer or permit any officer, employee or agent of the Government of Italy to transfer such defense articles, related training or other defense services by gift, sale, or otherwise, except to the SEEBRIG Headquarters Host Nation.

B. That when acting as the SEEBRIG Headquarters Host Nation, the Government of Italy acknowledges its responsibility for security, control, inventory, service and maintenance of the defense articles, related training and other defense services provided to SEEBRIG by the United States Government. In furtherance of its custodial role, it will be responsible for and will ensure the proper administration and temporary distribution of subject defense articles, related training and other defense services to SEEBRIG member states for use in SEEBRIG operations.

C. When acting as the SEEBRIG Headquarters Host Nation, the Government of Italy provides its assurances that:

(I) it shall not transfer or permit any officer, employee, or agent of the Government of Italy to transfer such defense articles, related training or other defense services to anyone not an officer, employee or agent of the government of a SEEBRIG member state;

(II) it will not permit the use of such defense articles, related training, or other defense services by anyone not an officer, employee or agent of the government of a SEEBRIG member state;

(III) it shall not use or permit the use of such defense articles, related training or other defense services for purposes other than for SEEBRIG operations;

(IV) it shall return to the Government of the United States of America said defense articles, related training or other defense services provided with peace keeping operations funds from 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 provides written consent to another disposition; and

(V) finally, it shall not permanently transfer said defense articles, related training and other defense services or the responsibility thereof to the successor SEEBRIG Headquarters Host Nation prior to making formal

written application for, and receipt of, the written consent of the Government of the United States of America.

D. The Government of Italy shall at all times maintain the security of such defense articles, related training, and other defense services; that it shall provide substantially the same protection afforded to such articles or related training other defense services by the Government of the United States of America and; that it shall, as the United States 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 Italy. The Ministry's reply stating that the foregoing is acceptable to the Government of Italy shall, together with this note, constitute an agreement between the two governments, which shall enter into force on the date of the Ministry's reply.

The Embassy of the United States of America takes this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America,
Rome, October 11, 2002



The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honour to refer to the latter's N.V. n. 902 dated 11 October 2002 on the assistance to the forthcoming and future SEEBRIG Headquarters Host Nations for the establishment of a Communications Information System (CIS) for use by all SEEBRIG Member States in furtherance of SEEBRIG operations.

The Government of Italy hereby provides the assurances requested in the aforementioned Note at points A (I - II - III), B and C (I - II - III - IV - V), whose content is acceptable to the relevant Italian Authorities.

The Ministry of Foreign Affairs takes this opportunity to renew to the Embassy of the United States of America the assurance of its highest consideration.

CB

Embassy of United States of America
ROME

Note: This Note Verbale transmitted to the Department of State on December 12, 2002.

TOTALE P. 02