

DEFENSE

Cooperation

**Agreement Between the
UNITED STATES OF AMERICA
and BULGARIA**

Effected by Exchange of Notes at
Sofia November 12, 2001

Entered into force November 16, 2001



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.”

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 444

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Bulgaria and has the honor, on behalf of the Government of the United States of America, to inform the Ministry of Foreign Affairs of the Republic of Bulgaria of its appreciation of the September 13, 2001 decision of the Council of Ministers and the September 21, 2001 Declaration of Parliament, expressing the support of the Republic of Bulgaria for forming a global coalition for fighting international terrorism, joining the Government of the United States and the other North Atlantic Treaty Organization (NATO) countries. In the spirit of the North Atlantic Council decisions of September 12 and October 4, 2001, and mindful of the Republic of Bulgaria's constitutional requirements for granting permission for overflight and transit of aircraft through and presence in the territory of the Republic of Bulgaria, the Embassy proposes that the United States of America and the Republic of Bulgaria (the parties) adopt and apply, *mutatis mutandis*, the provisions of the Agreement Between the Republic of Bulgaria and the North Atlantic Treaty Organization Regarding the Transit of NATO Forces and NATO Personnel, of March 21, 2001 ("March 21, 2001 Agreement"), to U.S. forces, personnel and contractors for purposes of overflight, and transit through, and presence in the territory of the Republic of Bulgaria in support of Operation Enduring Freedom.

For the purposes of the agreement hereinafter proposed, the Embassy proposes that the term Operation as defined in Article 1 of the March 21, 2001 Agreement shall mean the support, implementation, preparation and execution by the United States, U.S. forces and U.S. personnel in furtherance of Operation Enduring Freedom. Moreover, references in the March 21, 2001

Agreement to NATO, NATO members, NATO forces, NATO personnel, and NATO contractors shall, as appropriate, be deemed to be references to the United States, U.S. forces, U.S. personnel, and U.S. contractors. For purposes of this agreement, Article 2, paragraph 2 of the March 21, 2001 Agreement and all references to non-NATO contributing states therein shall be deemed inapplicable. For purposes of Article 16 of the March 21, 2001 Agreement, protection of information shall be in accordance with the provisions of the Agreement between the United States and the Republic of Bulgaria Concerning the Protection of Classified Military Information, signed February 1, 1995.

Notwithstanding the provisions of Article 20(2) of the March 21, 2001 Agreement, the Agreement herein proposed shall remain in force for the duration of Operation Enduring Freedom and may be terminated by either party upon six months written notice.

If the proposals set forth herein are acceptable to the Republic of Bulgaria, this note and the Ministry's affirmative reply, which are equally authentic in both the English and Bulgarian languages, shall constitute an Agreement between the parties, which shall not enter into force until the Government of the Republic of Bulgaria notifies the Government of the United States of America of the fulfillment of all of its constitutional procedures.

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 Bulgaria the assurances of its highest consideration.

Embassy of the United States of America,

Sofia, November 12, 2001.





REPUBLIC OF BULGARIA
MINISTRY OF FOREIGN AFFAIRS
N: C-93-00-13

VERBAL NOTE

The Ministry of Foreign Affairs of the Republic of Bulgaria presents its compliments to the Embassy of the United States of America in Sofia and has the honour to confirm the receipt of its Note No. 444 of November 12, 2001 with the following text:

"The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Bulgaria and has the honour, on behalf of the Government of the United States, to inform the Ministry of Foreign Affairs of the Republic of Bulgaria of its appreciation of the September 13, 2001 decision of the Council of Ministers and the September 21, 2001 Declaration of Parliament, expressing the support of the Republic of Bulgaria for forming a global coalition for fighting international terrorism, joining the Government of the United States and the other North Atlantic Treaty Organization (NATO) countries. In the spirit of the North Atlantic Council decisions of September 12 and of October 4, 2001, and mindful of the Republic of Bulgaria's constitutional requirements for granting permission for overflight and transit of aircraft through and presence in the territory of the Republic of Bulgaria, the Embassy proposes that the United States of America and the Republic of Bulgaria (the parties) adopt and apply, mutatis mutandis, the provisions of the Agreement Between the Republic of Bulgaria and the North Atlantic Treaty Organization Regarding the Transit of NATO Forces and NATO Personnel, of March 21, 2001, ("March 21, 2001 Agreement"), to U. S. forces, personnel and contractors for purposes of overflight, and transit through, and presence in the territory of the Republic of Bulgaria in support of Operation Enduring Freedom.

For the purposes of the agreement hereinafter proposed, the Embassy proposes that the term Operation as defined in Article 1 of the March 21, 2001

TO
THE EMBASSY OF
THE UNITED STATES OF AMERICA
SOFIA

Agreement shall mean the support, implementation, preparation and execution by the United States, U.S. Forces and U.S. Personnel in furtherance of Operation Enduring Freedom. Moreover references in the March 21, 2001 Agreement to NATO, NATO members, NATO forces, NATO personnel, and NATO contractors, shall, as appropriate, be deemed to be references to the United States, U. S. forces, U. S. personnel, and U. S. contractors. For purposes of this Agreement, Article 2, paragraph 2 of the March 21, 2001 Agreement and other references to non-NATO contributing states therein shall be deemed inapplicable. For purposes of Article 16 of the March 21, 2001 Agreement, protection of information shall be in accordance with the provisions of the Agreement between the United States and the Republic of Bulgaria Concerning the Protection of Classified Military Information, signed February 1, 1995.

Notwithstanding the provisions of Article 20 (2) of the March 21, 2001 Agreement, the Agreement herein proposed shall remain in force for the duration of Operation Enduring Freedom and may be terminated by either party upon six months written notice.

If the proposals set forth herein are acceptable to the Republic of Bulgaria, this note and the Ministry's affirmative reply, which are equally authentic in both the English and the Bulgarian languages, shall constitute an Agreement between the parties, which shall not enter into force until the Government of the Republic of Bulgaria notifies the Government of the United States of America of the fulfilment of all of its constitutional procedures.

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

In reply, the Ministry of Foreign Affairs of the Republic of Bulgaria, in accordance with the September 13, 2001 decision of the Council of Ministers and the September 21, 2001 Declaration of Parliament, expressing the support of the Republic of Bulgaria for forming a global coalition for fighting international terrorism, joining the Government of the United States and the other North Atlantic Treaty Organization (NATO) countries, mindful of the Republic of Bulgaria's constitutional requirements regarding the overflight and transit of aircraft through and presence in the territory of the Republic of Bulgaria, and in the spirit of the North Atlantic Council decisions of September 12 and of October 4, 2001, has the honour to inform the honourable Embassy of the United States of America of the following:

The Bulgarian side accepts the proposal that the Republic of Bulgaria and the United States (the parties) adopt and apply, mutatis mutandis, the provisions of the Agreement Between the Republic of Bulgaria and the North Atlantic Treaty Organization Regarding the Transit of NATO Forces and NATO Personnel, of March 21, 2001, ("March 21, 2001 Agreement") to U.S. forces, personnel and contractors for purposes of overflight, and transit through, and presence in the territory of the Republic of Bulgaria in support of Operation Enduring Freedom.

The Ministry of Foreign Affairs expresses its agreement also with the following provisions:

The term Operation as defined in Article 1 of the March 21, 2001 Agreement shall mean the support, implementation, preparation and execution by the United States, U.S. forces and U.S. personnel in furtherance of Operation Enduring Freedom. Moreover references in the March 21, 2001 Agreement to NATO, NATO members, NATO forces, NATO personnel, and NATO contractors, shall, as appropriate, be deemed to be references to the United States, U.S. forces, U.S. personnel, and U.S. contractors.

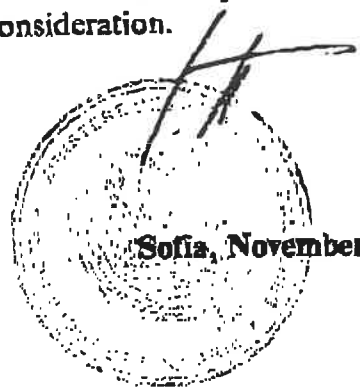
For purposes of this Agreement, Article 2, paragraph 2 of the March 21, 2001 Agreement and other references to non-NATO contributing states therein shall be deemed inapplicable. For purposes of Article 16 of the March 21, 2001 Agreement, protection of information shall be in accordance with the provisions of the Agreement between the Republic of Bulgaria and the United States Concerning the Protection of Classified Military Information, signed February 1, 1995.

Notwithstanding the provisions of Article 20 (2) of the March 21, 2001 Agreement, the Agreement herein proposed shall remain in force for the duration of Operation Enduring Freedom and may be terminated by either party upon six months written notice.

The Ministry of Foreign Affairs accepts that the note of the Embassy of the United States in Sofia No. 444 from November 12, 2001 and the present reply note which are equally authentic in both the Bulgarian and the English languages, shall constitute an Agreement between the parties, which shall not enter into force until the Government of the Republic of Bulgaria notifies the Government of the United States of the fulfilment of all of its constitutional procedures.

This Agreement, concerning overflight, and transit through, and presence in the territory of the Republic of Bulgaria of U.S. forces, personnel and contractors in support of Operation Enduring Freedom, is subject to ratification by the National Assembly of the Republic of Bulgaria.

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



Sofia, November 12, 2001.