

DEFENSE

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

Effected by Exchange of Notes
Dated at Paris April 15 and May 2, 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.”

FRANCE

Defense

*Agreement effected by exchange of notes
Dated at Paris April 15 and May 2, 2002;
Entered into force May 2, 2002.*

No. 178

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the French Republic and has the honor to refer to recent discussions between the representatives of our two governments concerning activities of French Armed Forces in the United States and U.S. Armed Forces in France. In the framework of our common defense efforts and in application of Article VIII of the Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Forces signed in London on June 19, 1951 (NATO SOFA), the Embassy proposes on behalf of the Government of the United States of America, the following:

1. The NATO SOFA applies to members of the United States force and its civilian component, as defined therein, when they are in the territory of metropolitan France in connection with their official duties.
2. The NATO SOFA applies to members of the French force and its civilian component, as defined therein, when they are in the territory of the United States in connection with their official duties.
3. Claims arising from the activities related to the Official duties of either Party's visiting force or civilian component when in the territory of the other Party as referred to above, including claims arising from activities supported by a contract or agreement for the provision of goods and services, shall be settled in accordance with Article VIII of the NATO SOFA.

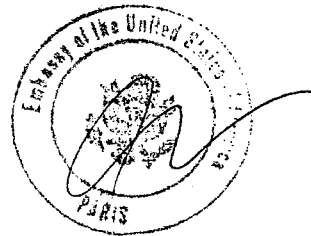
4. Without prejudice to the aforesaid paragraph 3, claims arising from the provision of goods and services pursuant to a contract or agreement shall be settled in accordance with the terms of such contract or agreement.

If the aforementioned proposals are acceptable to the government of France, the Embassy proposes that this note and the Ministry's reply shall 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 avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the French Republic the assurances of its highest consideration.

Joanna Melville

JOANNA C. MELVILLE
Consular Associate



Embassy of the United States of America,

Paris, April 15, 2002.

**U.S. Department of State
Office of Language Services
Translating Division**

LS No. 05-2002-0037
HKE
French

Ministry of Foreign Affairs
Bureau of Political and Security Affairs

French Republic

No. ASP/850

May 2, 2002

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and has the honor to refer to its note verbale of April 15, 2002, which reads as follows:

[The French translation of the Embassy's note has been examined by a responsible language officer of this division and found to agree in all substantive respects with the original English text. See U.S. Note for Text.]

The Ministry of Foreign Affairs has the honor to inform the Embassy of the United States of America that the Government of the French Republic concurs with the foregoing provisions and avails itself of this opportunity to renew to it the assurances of its high consideration.

[Initialed]

[Ministry stamp]

Direction Générale des Affaires politiques
et de Sécurité

N° *ASP / 850*

Le Ministère des Affaires Étrangères présente ses compliments à l'Ambassade des États-Unis d'Amérique et à l'honneur de se référer à sa note verbale du 15 avril 2002, dont la teneur est la suivante :

«Dans le cadre de nos efforts communs de défense et en application de l'article VIII de la Convention entre les États parties au Traité de l'Atlantique Nord sur le statut de leurs forces, signée à Londres le 19 juin 1951 (SOFA OTAN), l'Ambassade propose les dispositions suivantes, au nom du gouvernement des États-Unis d'Amérique :

1. Le SOFA OTAN s'applique aux membres de la force des États-Unis et à son élément civil, tels que définis dans cette convention, lorsqu'ils se trouvent sur le territoire métropolitain de la France pour l'exécution du service.
2. Le SOFA OTAN s'applique aux membres de la force française et à son élément civil, tels que définis dans cette convention, lorsqu'ils se trouvent sur le territoire des États-Unis pour l'exécution du service.
3. Les demandes d'indemnités pour les dommages résultant des activités officielles de la force ou de l'élément civil de l'État d'origine lorsqu'ils sont sur le territoire de l'autre partie tel que mentionné ci-dessus, y compris les demandes d'indemnités pour les dommages résultant d'activités qui font l'objet d'un contrat ou d'un accord de fourniture de biens et de services, sont réglées conformément à l'article VIII du SOFA OTAN.

4. Sans préjudice de ce qui précède au paragraphe 3. ci-dessus, les réclamations portant sur la fourniture de biens et de services dans le cadre d'un contrat ou d'un accord sont réglées conformément aux termes de ce contrat ou accord.

Si les propositions mentionnées ci-dessus sont acceptables pour le gouvernement de la France, l'Ambassade propose que cette note et la réponse du Ministère constituent un accord entre les deux gouvernements, qui entre en vigueur à la date de la réponse du Ministère».

Le Ministère des Affaires Etrangères à l'honneur de faire savoir à l'Ambassade des Etats-Unis d'Amérique que les dispositions qui précèdent rencontrent l'agrément du Gouvernement de la République française et saisit cette occasion pour lui renouveler les assurances de sa haute considération./.

