

DEFENSE

Research and Development

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

Amending and Extending
the Agreement of October 5, 1995

Signed at Arlington and Helsinki
May 7 and 25, 2010



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.”

FINLAND

Defense: Research and Development

*Agreement amending and extending the agreement of
October 5, 1995.*

*Signed at Arlington and Helsinki May 7 and 25, 2010;
Entered into force October 4, 2010.*

AMENDMENT ONE

TO THE

AGREEMENT BETWEEN

THE MINISTRY OF DEFENCE OF FINLAND

AND

THE DEPARTMENT OF DEFENSE OF THE UNITED STATES OF AMERICA

CONCERNING

EXCHANGE OF

RESEARCH AND DEVELOPMENT INFORMATION

(Short Title: Finland-U.S. Master Information Exchange Agreement)

PREAMBLE

The Ministry of Defence of Finland acting on behalf of the Government of the Republic of Finland and the Department of Defense of the United States of America, hereinafter referred to as the "Parties";

Considering the Agreement between the Ministry of Defence of Finland and the Department of Defense of the United States of America Concerning Exchange of Research and Development Information (hereinafter referred to as the "Agreement"), which entered into force October 5, 1995;

Have agreed as follows:

ARTICLE I PURPOSE

The purpose of this Amendment is to add export control text; update the titles of the Finland and United States national Authorities for the Agreement and the Finland and United States national Annex Authorities; change the highest classification level of Research and Development (R&D) Information that may be exchanged pursuant to the Information Exchange Annexes (IEAs) under this Agreement; extend the duration of the Agreement; and otherwise modify the Agreement as appropriate.

ARTICLE II AMENDMENT

The Agreement is hereby amended as follows:

1. Replace the words, "the Ministry of Defence of Finland", with the words, "the Ministry of Defence of Finland acting on behalf of the Government of the Republic of Finland", wherever they appear in the title page, the Preamble, and Articles I through XII of the Agreement.
2. Replace the word, "contractor", with the word, "Contractor", wherever it appears in the Agreement.
3. Replace the words, "contractor support personnel", with the words, "Contractor Support Personnel", wherever they appear in the Agreement.
4. Replace the acronym "MIEA" with the word, "Agreement", wherever it appears in Appendix 1 ("Model" Information Exchange Annex) of the Agreement.
5. Change Article I, Definition of Terms and Abbreviations, by adding the following terms and definitions:

| | |
|------------------------------|--|
| Contractor | Any entity outside the governmental organizations of the Parties that is awarded a contract by a Party's contracting agency. |
| Contractor Support Personnel | Persons specifically identified as providing administrative, managerial, scientific, or technical support services to a Party under a support contract. |
| Party | A signatory to this Agreement represented by its military and civilian personnel. Contractors and Contractor Support Personnel shall not be representatives of a Party under this Agreement. |

6. Change Article II (Objective and Scope) as follows:

- a. Replace the first sentence of paragraph 2.2. with the following: "The Parties may exchange R&D Information under this Agreement upon conclusion of separate Information Exchange Annexes (IEAs) to this Agreement."
- b. Replace the first sentence of paragraph 2.3. with the following: "Each separate IEA, upon conclusion by the relevant Annex Authorities, shall be entered into pursuant to this Agreement, the provisions of which shall be incorporated by reference."
- c. Replace subparagraph 2.3.3. with the following: "specify any provisions for broader use of R&D Information in accordance with paragraph 7.5. of this Agreement, as appropriate;"

7. Change Article III, Management, as follows:

- a. Replace the title of the Finland national Authority in paragraph 3.1. with the following:

"Director General, Resource Policy Department, Ministry of Defence".
- b. Replace the title of the United States national Authority in paragraph 3.1. with the following:

"Director, International Cooperation
Office of the Under Secretary of Defense (Acquisition, Technology and Logistics)".

- c. Replace the title of the Finland national Annex Authority in paragraph 3.3. with the following:

“Chief Armaments, Armaments Division, Defence Command Finland”.

- d. Replace the list of titles of the United States national Annex Authorities in paragraph 3.3. with the following:

“The Deputy Assistant Secretary of the Navy (International Programs) (for Navy matters)

The Deputy Under Secretary of the Air Force (International Affairs) (for Air Force matters)

The Director, Missile Defense Agency (for Missile Defense Agency matters)

The Office of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology (through the Deputy Director, Armaments Cooperation, Office of the Deputy Assistant Secretary for Defense Exports and Cooperation) (for Army matters)”.

- e. In subparagraph 3.4.3., replace the words, “on behalf of the Parties”, with the words, “on behalf of the Ministry of Defence of Finland and the Department of Defense of the United States of America”.

8. Change Article VII, Disclosure and Use of R&D Information, as follows:

- a. Insert the following new paragraph after paragraph 7.10.:

“7.11. All transfers of R&D Information shall be consistent with the furnishing Party’s applicable export control laws and regulations. The furnishing Party shall ensure that the applicable export control markings are placed on its R&D Information before transferring it to the receiving Party.”

9. Change Article IX, Security, as follows:

- a. Replace paragraph 9.7. with the following:

“9.7. Information exchanged in accordance with the IEAs of this Agreement may be classified up to and including SECRET. The existence of this Agreement is unclassified and the contents are unclassified.”

10. Change Article XII, Amendment, Termination, Entry into Force, and Duration, as follows:

- a. Replace paragraph 12.1. (including subparagraphs 12.1.1. and 12.1.2.) with the following: “This Agreement, including its Appendix, may be amended upon the written consent of the Parties. The IEAs may be amended upon the written consent of the Annex Authorities, except that Annex Authorities may change the TPO assignments, and TPOs may change the list of Establishments in their IEAs, through exchange of correspondence.”
- b. In the first sentence of paragraph 12.5., replace the words, “for fifteen years” with the words, “until October 5, 2025”.

11. Change Appendix 1, “Model” Information Exchange Annex, as follows:

- a. Replace the first sentence with the following: “In accordance with the Agreement between the Ministry of Defence of Finland acting on behalf of the Government of the Republic of Finland and the Department of Defense of the United States of America Concerning Exchange of Research and Development Information, which entered into force on October 5, 1995, as amended (hereinafter referred to as the “Agreement”), the following Information Exchange Annex (IEA) is hereby established between the Ministry of Defence of Finland and the Department of Defense of the United States of America (hereinafter referred to as the “Parties”).”
- b. Replace paragraph 1.f. with the following: “The Parties shall comply with the requirements of paragraph 7.3. of the Agreement, which states, in part, that “R&D Information shall not be used by the receiving Party for any purpose other than the purpose for which it was furnished without the prior written consent of the furnishing Party.” The Parties shall also comply with the requirements of paragraph 7.2. of the Agreement, which states, “Except as provided in paragraph 7.5., a Party (including its Contractor Support Personnel) may use the R&D Information exchanged under the Agreement solely for information and evaluation purposes.” The Parties shall further comply with paragraph 7.5. of the Agreement, which states, “The Parties may determine in a specific IEA that R&D Information exchanged therein may be used for defense purposes other than information and evaluation. The IEA shall contain specific provisions for such use, which may not extend beyond the defense purposes specified therein.” As to compliance with paragraph 7.5. of the Agreement, any specific provisions for use of R&D Information for defense purposes other than information and evaluation are in paragraph 4. of this IEA.”

- c. Replace paragraph 3.a. with the following:

“a. The highest classification of R&D Information to be exchanged under this IEA is _____ . (Note: Insert the level of classification, up to SECRET, as appropriate.)”

ARTICLE III
ENTRY INTO FORCE AND DURATION

After signature of this Amendment by both Parties, the Ministry of Defence of Finland acting on behalf of the Government of the Republic of Finland shall notify the Department of Defense of the United States of America of the completion of its national measures necessary for the entry into force of this Amendment. This Amendment shall enter into force on the day specified in such notification.

Unless specifically amended herein, all provisions of the Agreement remain unchanged.

This Amendment shall remain in force for the same period as the Agreement that it amends.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have signed this amendment, in two originals in the English language.

FOR THE MINISTRY OF DEFENCE OF
FINLAND ACTING ON BEHALF OF
THE GOVERNMENT OF THE
REPUBLIC OF FINLAND

Peter Carman
Signature

Fero Lavonen
Name

Director General
Title

May 25, 2010
Date

Helsinki
Location

FOR THE DEPARTMENT OF DEFENSE OF THE
UNITED STATES OF AMERICA

A. Volkman
Signature

A. Volkman
Name

Director, International Cooperation, USD(AT&L)
Title

MAY 7 2010
Date

Arlington, VA
Location

NOTIFICATION

The Ministry of Defence of Finland acting on behalf of the Government of the Republic of Finland hereby notifies the Department of Defense of the United States of America that it has completed its national measures necessary for this Amendment to enter into force, and that this Amendment shall thereby enter into force on October 4, 2010

FOR THE MINISTRY OF DEFENCE OF FINLAND ACTING ON BEHALF OF THE
GOVERNMENT OF THE REPUBLIC OF FINLAND

Peter Carman Date: October 1, 2010 Place: Helsinki