DEFENSE

Research and Development

Amendment Between the
UNITED STATES OF AMERICA
and OTHER GOVERNMENTS
Amending Memorandum of Understanding
of November 12, 2014

Signed at Copenhagen, Washington, Athens, The Hague,
Bergen, Lisbon, Canberra, Madrid, Ottawa, Brussels,
Koblenz, and Ankara December 18, 2014, January 5, and 19,
February 27, March 2, 27, 30, 31, and April 13, and 20, and
July 17, and September 2, 2015
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.”
MULTILATERAL

Defense: Research and Development

Amendment to memorandum of understanding of November 12, 2014.
Entered into force September 2, 2015.
AMENDMENT ONE TO THE
ESSM BLOCK 2 E&MD MOU
AMENDMENT ONE TO THE MEMORANDUM OF UNDERSTANDING FOR THE COOPERATIVE ENGINEERING AND MANUFACTURING DEVELOPMENT OF THE EVOLVED SEASPARROW MISSILE BLOCK 2

AMONG:

THE MINISTER FOR DEFENCE ON BEHALF OF THE DEPARTMENT OF DEFENCE OF AUSTRALIA

AND

THE MINISTER OF DEFENCE OF THE KINGDOM OF BELGIUM

AND

THE DEPARTMENT OF NATIONAL DEFENCE OF CANADA

AND

THE MINISTER OF DEFENCE OF THE KINGDOM OF DENMARK

AND

THE FEDERAL MINISTRY OF DEFENCE OF THE FEDERAL REPUBLIC OF GERMANY

AND

THE MINISTRY OF NATIONAL DEFENCE OF THE HELLENIC REPUBLIC

AND

THE MINISTER OF DEFENCE OF THE KINGDOM OF THE NETHERLANDS

AND

THE MINISTER OF DEFENCE OF THE KINGDOM OF NORWAY

AND

THE MINISTER OF DEFENCE OF PORTUGAL

AND

THE MINISTER OF DEFENCE OF THE KINGDOM OF SPAIN

AND

THE MINISTRY OF NATIONAL DEFENCE OF TURKIYE

AND

THE DEPARTMENT OF DEFENSE OF THE UNITED STATES OF AMERICA
INTRODUCTION

The Minister for Defence on behalf of the Department of Defence of Australia (Australian DOD), the Department of National Defence of Canada (Canadian DND), the Minister of Defence of the Kingdom of Denmark (Danish MOD), the Minister of Defence of the Kingdom of The Netherlands (Netherlands MOD), the Minister of Defence of the Kingdom of Norway (Norwegian MOD), the Ministry of National Defence of Turkiye (MoND of Turkiye), and the Department of Defense of the United States of America (U.S. DoD), previously referred to as the “Contributing Participants”, and the Minister of Defence of the Kingdom of Belgium (Belgian MOD), the Federal Ministry of Defence of the Federal Republic of Germany (German FMoD), the Ministry of National Defence of the Hellenic Republic (Hellenic MND), the Minister of Defence of Portugal (Portuguese MOD), and the Ministry of Defence of the Kingdom of Spain (Spanish MOD), previously referred to as the “Non-contributing Participants”, and collectively referred to as the “Participants”:

Considering the Memorandum of Understanding for the Cooperative Engineering and Manufacturing Development of the Evolved SEASPARROW Missile Block 2 among the Minister for Defence on behalf of the Department of Defence of Australia (Australian DOD), the Minister of Defence of the Kingdom of Belgium (Belgian MOD), the Department of National Defence of Canada (Canadian DND), the Minister of Defence of the Kingdom of Denmark (Danish MOD), the Federal Ministry of Defence of the Federal Republic of Germany (German FMoD), the Ministry of National Defence of the Hellenic Republic (Hellenic MND), the Minister of Defence of the Kingdom of The Netherlands (Netherlands MOD), the Minister of Defence of the Kingdom of Norway (Norwegian MOD), the Minister of Defence of Portugal (Portuguese MOD), the Ministry of Defence of the Kingdom of Spain (Spanish MOD), the Ministry of National Defence of Turkiye (MoND of Turkiye), and the Department of Defense of the United States of America (U.S. DoD), which entered into effect November 12, 2014 (hereinafter referred to as the “ESSM Block 2 E&MD MOU”);

Recognizing that the MoND of Turkiye is now referred to as the Ministry of National Defence of the Republic of Turkey (MoND of Turkey);

Recognizing that the German FMoD has requested to accede to Contributing Participant status in accordance with Section 17 (Accession of Non-contributing Participants) of the ESSM Block 2 E&MD MOU;

Now, therefore, the undersigned Participants have reached the following understandings:
SECTION I
PURPOSE

The purpose of this Amendment One is to change the status of the German FMoD from a Non-contributing Participant in the ESSM Block 2 E&MD MOU to a Contributing Participant, and to revise Section 5 (Financial Provisions) of the ESSM Block 2 E&MD MOU accordingly.
SECTION II
AMENDMENT

The ESSM Block 2 E&MD MOU is hereby amended as follows:

1. Delete the Title Page and insert the following new Title Page:

"MEMORANDUM OF UNDERSTANDING FOR THE
COOPERATIVE ENGINEERING AND MANUFACTURING DEVELOPMENT OF THE
EVOLVED SEASPARROW MISSILE BLOCK 2
AMONG:
THE MINISTER FOR DEFENCE ON BEHALF OF THE DEPARTMENT OF DEFENCE OF
AUSTRALIA
AND
THE MINISTER OF DEFENCE OF THE KINGDOM OF BELGIUM
AND
THE DEPARTMENT OF NATIONAL DEFENCE OF CANADA
AND
THE MINISTER OF DEFENCE OF THE KINGDOM OF DENMARK
AND
THE FEDERAL MINISTRY OF DEFENCE OF THE FEDERAL REPUBLIC OF GERMANY
AND
THE MINISTRY OF NATIONAL DEFENCE OF THE HELLENIC REPUBLIC
AND
THE MINISTER OF DEFENCE OF THE KINGDOM OF THE NETHERLANDS
AND
THE MINISTER OF DEFENCE OF THE KINGDOM OF NORWAY
AND
THE MINISTER OF DEFENCE OF PORTUGAL
AND
THE MINISTER OF DEFENCE OF THE KINGDOM OF SPAIN
AND
THE MINISTRY OF NATIONAL DEFENCE OF THE REPUBLIC OF TURKEY
AND
THE DEPARTMENT OF DEFENSE OF THE UNITED STATES OF AMERICA"
2. Replace the first paragraph of the INTRODUCTION with the following new first paragraph:

"The Minister for Defence on behalf of the Department of Defence of Australia (Australian DOD), the Department of National Defence of Canada (Canadian DND), the Minister of Defence of the Kingdom of Denmark (Danish MOD), the Federal Ministry of Defence of the Federal Republic of Germany (German FMoD), the Minister of Defence of the Kingdom of The Netherlands (Netherlands MOD), the Minister of Defence of the Kingdom of Norway (Norwegian MOD), the Ministry of National Defence of the Republic of Turkey (MoND of Turkey), and the Department of Defense of the United States of America (U.S. DoD), hereinafter referred to as the 'Contributing Participants', and the Minister of Defence of the Kingdom of Belgium (Belgian MOD), the Ministry of National Defence of the Hellenic Republic (Hellenic MND), the Minister of Defence of Portugal (Portuguese MOD), and the Ministry of Defence of the Kingdom of Spain (Spanish MOD), hereinafter referred to as the 'Non-contributing Participants', and collectively referred to as the 'Participants':"

3. Change Section 5 (Financial Provisions) as follows:

a. Replace the table in paragraph 5.4 with the following new table:

<table>
<thead>
<tr>
<th>Contributing Participant</th>
<th>Percentage</th>
<th>Contributions to Total Cost Target in millions of FY 2011 constant-year U.S. dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian DOD</td>
<td>18</td>
<td>158.94</td>
</tr>
<tr>
<td>Canadian DND</td>
<td>15</td>
<td>132.45</td>
</tr>
<tr>
<td>Danish MOD</td>
<td>5</td>
<td>44.15</td>
</tr>
<tr>
<td>German FMoD</td>
<td>7</td>
<td>61.81</td>
</tr>
<tr>
<td>Netherlands MOD</td>
<td>5</td>
<td>44.15</td>
</tr>
<tr>
<td>Norwegian MOD</td>
<td>5</td>
<td>44.15</td>
</tr>
<tr>
<td>MoND of Turkey</td>
<td>5</td>
<td>44.15</td>
</tr>
<tr>
<td>U.S. DoD</td>
<td>40</td>
<td>353.20</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
<td>883.00</td>
</tr>
</tbody>
</table>

b. In paragraph 5.5, replace the numbers "72.48" and "810.52" with "75.77" and "807.23", respectively.
c. Replace the table in subparagraph 5.5.1 with the following new table:

<table>
<thead>
<tr>
<th>Contributing Participant</th>
<th>Contributions in millions of FY 2011 constant-year U.S. dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian DOD</td>
<td>20.82</td>
</tr>
<tr>
<td>Canadian DND</td>
<td>20.05</td>
</tr>
<tr>
<td>Danish MOD</td>
<td>4.00</td>
</tr>
<tr>
<td>German FMoD</td>
<td>3.29</td>
</tr>
<tr>
<td>Netherlands MOD</td>
<td>4.02</td>
</tr>
<tr>
<td>Norwegian MOD</td>
<td>4.90</td>
</tr>
<tr>
<td>MoND of Turkey</td>
<td>0.13</td>
</tr>
<tr>
<td>U.S. DoD</td>
<td>18.56</td>
</tr>
<tr>
<td>Total</td>
<td>75.77</td>
</tr>
</tbody>
</table>

d. Replace the table in subparagraph 5.5.2 with the following new table:

<table>
<thead>
<tr>
<th>Contributing Participant</th>
<th>Contributions in millions of FY 2011 constant-year U.S. dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Australian DOD</td>
<td>138.12</td>
</tr>
<tr>
<td>Canadian DND</td>
<td>112.40</td>
</tr>
<tr>
<td>Danish MOD</td>
<td>40.15</td>
</tr>
<tr>
<td>German FMoD</td>
<td>58.52</td>
</tr>
<tr>
<td>Netherlands MOD</td>
<td>40.13</td>
</tr>
<tr>
<td>Norwegian MOD</td>
<td>39.25</td>
</tr>
<tr>
<td>MoND of Turkey</td>
<td>44.02</td>
</tr>
<tr>
<td>U.S. DoD</td>
<td>334.64</td>
</tr>
<tr>
<td>Total</td>
<td>807.23</td>
</tr>
</tbody>
</table>

All other provisions of the ESSM Block 2 E&MD MOU remain unchanged.
SECTION III
ENTRY INTO EFFECT

Pursuant to Section 20 (Amendments) of this ESSM Block 2 E&MD MOU, this Amendment One to the ESSM Block 2 E&MD MOU will enter into effect when signed by all the Participants (which, for the Ministry of National Defence of the Republic of Turkey, will be after completion of its internal legal procedures). However, in the event that one or more Non-contributing Participants has not signed this Amendment One by the time all the Contributing Participants have signed, this Amendment One will then enter into effect for all the Participants that have signed. This Amendment One will enter into effect for each of the remaining Non-contributing Participants upon their signature.

As to any Non-contributing Participant that signs this Amendment One after it has entered into effect (referred to as the “subsequent Participant”), the Participants who have previously signed this Amendment One will have no responsibilities with regard to that subsequent Participant, and that subsequent Participant will have no responsibilities or benefits under this Amendment One, until such time as the subsequent Participant has signed this Amendment One.

This Amendment One will remain in effect as long as the ESSM Block 2 E&MD MOU it amends.

The foregoing represents the understandings reached among the Participants on the matters referred to herein.

Signed, in thirteen (13) copies, in the English language, by authorized representatives.
AMENDMENT ONE TO THE MEMORANDUM OF UNDERSTANDING FOR THE COOPERATIVE ENGINEERING AND MANUFACTURING DEVELOPMENT OF THE EVOLVED SEASPARROW MISSILE BLOCK 2

FOR THE MINISTER FOR DEFENCE ON BEHALF OF THE DEPARTMENT OF DEFENCE OF AUSTRALIA

Signature

COMMODORE BJ WHEEVE.R, RN
Name

DIRECTOR GENERAL NAVY CAPABILITY TRANSITION AND SUSTAINMENT
Title

30 MARCH 2015
Date

CANBERRA, AUSTRALIA
Location
AMENDMENT ONE TO THE MEMORANDUM OF UNDERSTANDING FOR THE COOPERATIVE ENGINEERING AND MANUFACTURING DEVELOPMENT OF THE EVOLVED SEASPARROW MISSILE BLOCK 2

FOR THE MINISTER OF DEFENCE OF THE KINGDOM OF BELGIUM

Signature

Name

Title

Date 20th April 2015

Location
AMENDMENT ONE TO THE MEMORANDUM OF UNDERSTANDING FOR THE COOPERATIVE ENGINEERING AND MANUFACTURING DEVELOPMENT OF THE EVOLVED SEASPARROW MISSILE BLOCK 2

FOR THE DEPARTMENT OF NATIONAL DEFENCE OF CANADA

[Signature]

Patrick T. Finn
Name

Assistant Deputy Minister (Materiel)
Title

13 April 2015
Date

Ottawa, Ontario
Location
AMENDMENT ONE TO THE MEMORANDUM OF UNDERSTANDING FOR THE COOPERATIVE ENGINEERING AND MANUFACTURING DEVELOPMENT OF THE EVOLVED SEASPARROW MISSILE BLOCK 2

FOR THE MINISTER OF DEFENCE OF THE KINGDOM OF DENMARK

Signature

PER BIGUM CHRISTENSEN

Name

CAPTAIN (N), TECHNICAL DIRECTOR, NAVY
Danish Defence Acquisition and Logistics Organisation

Title

18 December 2014

Date

Copenhagen

Location
AMENDMENT ONE TO THE
MEMORANDUM OF UNDERSTANDING FOR THE
COOPERATIVE ENGINEERING AND MANUFACTURING DEVELOPMENT OF THE
EVOLVED SEASPARROW MISSILE BLOCK 2

FOR THE FEDERAL MINISTRY OF DEFENCE
OF THE FEDERAL REPUBLIC OF GERMANY

Signature

Schmidt-Franke
Name

Vizepräsident BAABINbw
Title

17.07.2015
Date

Koblenz
Location
AMENDMENT ONE TO THE
MEMORANDUM OF UNDERSTANDING FOR THE
COOPERATIVE ENGINEERING AND MANUFACTURING DEVELOPMENT OF THE
EVOLVED SEASPARROW MISSILE BLOCK 2

FOR THE MINISTRY OF NATIONAL DEFENCE
OF THE HELLENIC REPUBLIC

Signature

Name

Date

Location

19-01-2015

Atheno
AMENDMENT ONE TO THE
MEMORANDUM OF UNDERSTANDING FOR THE
COOPERATIVE ENGINEERING AND MANUFACTURING DEVELOPMENT OF
THE EVOLVED SEASPARROW MISSILE BLOCK 2

FOR THE MINISTER OF DEFENCE OF
THE KINGDOM OF THE NETHERLANDS

Signature

A.G.J. van de Geijn
Name

Director for Procurement
Defence Materiel Organisation
Title

February 27, 2015
Date

The Hague
Location
AMENDMENT ONE TO THE
MEMORANDUM OF UNDERSTANDING FOR THE
COOPERATIVE ENGINEERING AND MANUFACTURING DEVELOPMENT OF THE
EVOLVED SEASPARROW MISSILE BLOCK 2

FOR THE MINISTER OF DEFENCE
OF THE KINGDOM OF NORWAY

Signature

TERJE NYLUND

Name

CAPTAIN, THE NORWEGIAN DEFENCE LOGISTICS ORGANISATION

Title

2nd of March, 2015

Date

BERGEN, NORWAY

Location
AMENDMENT ONE TO THE
MEMORANDUM OF UNDERSTANDING FOR THE
COOPERATIVE ENGINEERING AND MANUFACTURING DEVELOPMENT OF THE
EVOLVED SEASPARROW MISSILE BLOCK 2

FOR THE MINISTER OF DEFENCE
OF PORTUGAL

Signature

Nuno Miguel Bulcão Sarmento

Name

Commander (PON), Weapons and Eletronics Head of
Department, SCM for Portugal

Title

27th March, 2015

Date

Lisbon, Portugal

Location
AMENDMENT ONE TO THE
MEMORANDUM OF UNDERSTANDING FOR THE
COOPERATIVE ENGINEERING AND MANUFACTURING DEVELOPMENT OF THE
EVOLED SEASPARROW MISSILE BLOCK 2

FOR THE MINISTRY OF DEFENCE
OF THE KINGDOM OF SPAIN

Signature

Estanislao Pery Paredes
DNI: 50.282.424 P

Name

Title

31 MAR. 2013

Date

Location
AMENDMENT ONE TO THE
MEMORANDUM OF UNDERSTANDING FOR THE
COOPERATIVE ENGINEERING AND MANUFACTURING DEVELOPMENT OF THE
EVOLVED SEASPARROW MISSILE BLOCK 2

FOR THE MINISTRY OF NATIONAL DEFENCE
OF THE REPUBLIC OF TURKEY

Signature

Necmi YILDIRIM

Name

Captain, Turkish Navy
Electronic and Weapon Systems Department Head.

Title

02 September 2015

Date

Ankara / Turkey

Location
AMENDMENT ONE TO THE
MEMORANDUM OF UNDERSTANDING FOR THE
COOPERATIVE ENGINEERING AND MANUFACTURING DEVELOPMENT OF THE
EVOLVED SEASPARROW MISSILE BLOCK 2

FOR THE DEPARTMENT OF DEFENSE
OF THE UNITED STATES OF AMERICA

Signature

RDML Jon A. Hill
Name

Program Executive Officer, Integrated Warfare Systems
Title

5 Jun 2018
Date

Washington, D.C., USA
Location