

No. 51056

**United States of America
and
Australia**

Memorandum of Understanding between the Department of Defense of the United States of America and the Department of Defence of Australia for Test and Evaluation Program (TEP) cooperation (with annexes). Washington, 14 April 2003, and Canberra, 23 April 2003

Entry into force: *23 April 2003 by signature, in accordance with section 17*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *United States of America, 15 July 2013*

**États-Unis d'Amérique
et
Australie**

Mémorandum d'accord entre le Département de la défense des États-Unis d'Amérique et le Département de la défense de l'Australie relatif à la coopération en matière de programmes d'essai et d'évaluation (avec annexes). Washington, 14 avril 2003, et Canberra, 23 avril 2003

Entrée en vigueur : *23 avril 2003 par signature, conformément à la section 17*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 15 juillet 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DEPARTMENT OF DEFENSE
OF THE UNITED STATES OF AMERICA
AND
THE DEPARTMENT OF DEFENCE
OF AUSTRALIA
FOR
TEST AND EVALUATION PROGRAM (TEP) COOPERATION
(SHORT TITLE: TEP MOU)
DATE: 23 April 2003**

TABLE OF CONTENTS

INTRODUCTION	
SECTION I	
DEFINITIONS	
SECTION II	
OBJECTIVES	
SECTION III	
SCOPE OF WORK	
SECTION IV	
MANAGEMENT (ORGANIZATION AND RESPONSIBILITY)	
SECTION V	
FINANCIAL PROVISIONS	
SECTION VI	
CONTRACTING PROVISIONS	
SECTION VII	
PROJECT EQUIPMENT TRANSFERS	
SECTION VIII	
DISCLOSURE AND USE OF PROJECT INFORMATION	
SECTION IX	
CONTROLLED UNCLASSIFIED INFORMATION	
SECTION X	
VISITS TO ESTABLISHMENTS	
SECTION XI	
SECURITY	
SECTION XII	
THIRD PARTY SALES AND TRANSFERS	
SECTION XIII	
LIABILITY AND CLAIMS	
SECTION XIV	
CUSTOMS DUTIES, TAXES, AND SIMILAR CHARGES	
SECTION XV	
SETTLEMENT OF DISPUTES	
SECTION XVI	
GENERAL PROVISIONS	
SECTION XVII	
AMENDMENT, TERMINATION, ENTRY INTO EFFECT, AND DURATION ..	
ANNEX A	
MODEL RECIPROCAL USE OF TEST FACILITIES (RUTF) PROJECT ARRANGEMENT (PA)	
APPENDIX 1 -- COST ESTIMATE MODEL	
APPENDIX 2 -- INVENTORY OF PROJECT EQUIPMENT TRANSFERS ..	
ANNEX B	
MODEL COOPERATIVE TEST & EVALUATION (CTE) PROJECT ARRANGEMENT (PA)	
APPENDIX 1 -- COOPERATIVE PROJECT PERSONNEL	
APPENDIX 2 -- INVENTORY OF PROJECT EQUIPMENT TRANSFERS ..	
ANNEX C	
MODEL PROJECT EQUIPMENT TRANSFER (PET) FORM	

INTRODUCTION

The Department of Defense of the United States of America (U.S. DoD) and the Department of Defence of Australia (AS DoD), hereinafter referred to as the "Participants":

Recognizing the Exchange of Notes constituting an Agreement between the Government of the United States of America and the Government of Australia Concerning Certain Mutual Defense Commitments done at Sydney on December 1, 1995 (Chapeau Agreement) applies to Test and Evaluation Activities under this MOU, including Project Arrangements for the Reciprocal Use of Test Facilities;

Having a common interest in defense;

Recognizing the benefits to be obtained from standardization, rationalization, and interoperability of military equipments;

Desiring to improve their mutual conventional defense capabilities through the application of emerging technology;

Having a mutual need to engage in a broad range of cooperative or reciprocal Test and Evaluation (T&E) Activities to satisfy common operational requirements;

Having independently conducted testing of the applications of various technologies, and having recognized the benefits of cooperation in the T&E arena;

Have reached the following understandings:

SECTION I

DEFINITIONS

The Participants have jointly decided upon the following definitions for terms used in this MOU:

Classified Information	Official information that requires protection in the interests of national security and is so designated by the application of a security classification marking. This information may be in oral, visual, magnetic or documentary form or in the form of equipment or technology.
Computer Data Base	A collection of data recorded in a form capable of being processed by a computer. This definition does not include Computer Software.
Computer Program	A set of instructions, rules, or routines recorded in a form that is capable of causing a computer to perform a specific operation or series of operations.
Computer Software	Computer Programs, source code, source code listings, design details, algorithms, processes, flow charts, formulae, and related materials that would enable the software to be reproduced, recreated, or recompiled. Computer Software does not include Computer Data Bases or Computer Software Documentation.
Computer Software Documentation	Owner's manuals, user's manuals, installation instructions, operating instructions, and other similar items, regardless of storage medium, that explain the capabilities of the Computer Software or provide instructions for using the Computer Software.
Contract	Any mutually binding legal relationship under national laws which obligates a Contractor to furnish supplies or services, and obligates one or both of the Participants to pay for them.
Contracting	The obtaining of supplies or services by Contract from sources outside the government organizations of the Participants. Contracting includes description (but not determination) of supplies and services required, solicitation and selection of sources, preparation and award of Contracts, and all phases of Contract administration.
Contracting Agency	The entity within the government organization of a Participant, which has authority to enter into, administer, or terminate Contracts.