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**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 concerning collaboration on tactical missile design, development, test and evaluation (with annexes). Washington, 3 August 2005, and Canberra, 1 September 2005

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**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 concernant la collaboration sur la conception, le développement, l'essai et l'évaluation des missiles tactiques (avec annexes). Washington, 3 août 2005, et Canberra, 1^{er} septembre 2005

Entrée en vigueur : *1^{er} septembre 2005 par signature, conformément à l'article XVIII*

Texte authentique : *anglais*

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[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
CONCERNING
COLLABORATION ON
TACTICAL MISSILE
DESIGN, DEVELOPMENT, TEST AND EVALUATION
(Short Title: Tactical Missile MOU)

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INTRODUCTION

The Department of Defense of the United States of America (U.S. DoD) and the Department of Defence of Australia (ADOD), 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 this Memorandum of Understanding (MOU);

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 potential mutual interest in the design, analysis, development, test and evaluation of the Tactical Missile Systems to satisfy national operational requirements;

Having independently conducted research and exploratory development of the applications of various technologies, recognize the benefits of cooperation in Tactical Missile programs of mutual interest;

Desiring to carry out collaborative design, analysis, development, test and evaluation of Tactical Missiles to address their needs;

Have reached the following understandings:

SECTION I

DEFINITIONS

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

Background Information	Information not generated in the performance of a Tactical Missile (TM) Activity.
Best Value	The value providing greatest benefit to both Participants.
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.
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, and/or terminate Contracts.
Contracting Officer	A person representing a Contracting Agency of a Participant who has the authority to enter into, administer, and/or terminate Contracts.
Contractor	Any entity awarded a Contract by a Participant's Contracting Agency.
Contractor Support Personnel	Persons specifically identified for support Contracts who provide administrative, managerial, scientific, or technical support services to a Participant under a Contract with that Participant that prohibits using information received under the contract for any purpose other than those authorized under this MOU or the applicable PA.