

**No. 53573\***

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**Netherlands (for the European part of the Netherlands)  
and  
United States of America**

**Agreement between the Government of the Kingdom of the Netherlands and the Government of the United States of America on cooperation in science and technology concerning homeland and civil security matters (with annexes). Washington, 29 November 2012**

**Entry into force:** *provisionally on 29 November 2012 and definitively on 1 April 2016, in accordance with article 20*

**Authentic text:** *English*

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**Pays-Bas (pour la partie européenne des Pays-Bas)  
et  
États-Unis d'Amérique**

**Accord entre le Gouvernement du Royaume des Pays-Bas et le Gouvernement des États-Unis d'Amérique relatif à la coopération en science et technologie dans les domaines de la sécurité civile et du territoire national (avec annexes). Washington, 29 novembre 2012**

**Entrée en vigueur :** *provisoirement le 29 novembre 2012 et définitivement le 1<sup>er</sup> avril 2016, conformément à l'article 20*

**Texte authentique :** *anglais*

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**Agreement between the Government of the Kingdom of the Netherlands and the Government of the United States of America on cooperation in science and technology concerning homeland and civil security matters**

The Government of the Kingdom of the Netherlands

and

the Government of the United States of America

(hereinafter referred to as “the Parties”),

Having a mutual interest in research and development relating to homeland and civil security matters, in particular giving attention to the development of innovative solutions to increase people’s security without limiting their freedom;

Desiring to increase the exchanges of information and personnel in areas pertinent to the identification of homeland and civil security threats and countermeasures and the development of technical standards, operational procedures, and supporting methodologies that govern the use of relevant innovative solutions, in addition to and, if appropriate, in connection with, relevant cooperation in the European Union context;

Stressing that physical and cyber-based critical infrastructure/key resources and other homeland/civil security capabilities, both governmental and private, are essential to the operation and security of the Parties' respective economies, societies, and governments;

Noting that the Parties' economies are increasingly interdependent, and that infrastructure protection and homeland/civil security are of paramount concern to the Parties' respective governments;

Being aware of research, development, testing, evaluation, development of technical standards and operations in both countries in chemical, biological, radiological, nuclear and explosive countermeasures, and in other areas that could enhance homeland/civil security;

Recognizing a common desire to

- improve the understanding of threats;
- expand the homeland/civil security technology capabilities of each Party;
- minimize unnecessary duplication of work;
- obtain more efficient and cost-effective results; and
- adapt more flexibly to the dynamic threat environment

through cooperative activity that is mutually beneficial and that relates to the application of state-of-the-art and emerging security technologies and science-based knowledge, making best use of the Parties' respective science, research, development, and testing and evaluation capacities;

Affirming a common interest in enhancing the longstanding collaborative efforts of the Parties' respective agencies, private sector and governmental organizations, and academic institutions in generating scientific and technological solutions to counter threats, reduce vulnerabilities, and respond to and recover from incidents and emergencies in those areas having the potential for causing significant security, economic, and/or social impacts;

Desiring to set forth a vehicle for the conduct of cooperative scientific and technological research including social and behavioral sciences and humanities, development, testing and evaluation in the field of homeland/civil security,

Have agreed as follows:

## Article I

### *Definitions*

For purposes of this Agreement the following definitions shall apply:

Business Confidential Information	Has the meaning given to it in Section IV of Annex I to this Agreement.
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Classified Information	Any information that requires protection and is so designated by the application of the appropriate security classification markings in accordance with the national laws, regulations, policies, or directives of either Party. It may be stored in any form or medium whatsoever, including, but not limited to, oral, visual, magnetic, electronic, or documentary form, or in the form of Equipment and Material or technology.
Contract	Any mutually binding legal relationship under the laws of either Party that obligates a Contractor to furnish supplies or services in relation to a Project Arrangement.
Contractor	Any entity awarded a Contract by, or entering into a Contract with, a Party in relation to a Project Arrangement.
Controlled Unclassified Information	Information that is not deemed to be Classified Information in the United States nor in the Netherlands, but to which access or distribution limitations have been applied in accordance with national laws, regulations, policies, or directives of either Party. Whether the information is provided or generated under this Agreement, it will be marked to identify its sensitive character. This definition includes, but is not limited to, information marked in the United States as "Sensitive Homeland Security Information," "Sensitive Security Information," "For Official Use Only," "Law Enforcement Sensitive Information," "Protected Critical Infrastructure Information," "Restricted," "Sensitive But Unclassified (SBU)," and may include Business Confidential Information.

Cooperative Activity	Any activity described in Article 7 of this Agreement on which the Parties agree to cooperate to achieve the objectives of this Agreement. Such activity will normally take the form of a Project.
Critical Infrastructure/ Key Resources	Governmental and/or private activities or sectors that are identified by each Party in its laws, executive orders, directives or policies as "Critical Infrastructure" or "Key Resources."
Designated Security Authority (DSA)	The government authority responsible for the development of policies and procedures governing security of Classified or Controlled Unclassified Information covered by this Agreement.
Equipment and Material	Any document, product or substance on or in which information may be recorded or embodied. Material shall encompass everything regardless of its physical character for makeup including documents, writing, hardware, equipment, machinery, apparatus, devices, models, photographs, recordings, reproductions, notes, sketches, plans, prototypes, designs, configurations, maps and letters, as well as all other products, substances or material from which information can be derived.
Intellectual Property	Has the meaning given in Article 2 of the Convention Establishing the World Intellectual Property Organization, done at Stockholm July 14, 1967, as amended September 28, 1979, and may include other subject matter as agreed upon by the Parties.
Need-to-Know	An objective condition which justifies the access of an individual to specific information related to the activities referred to in this Agreement, based on the individual's official duties or legal responsibilities.