

No. 16584

**UNITED STATES OF AMERICA
and
FEDERAL REPUBLIC OF GERMANY**

**Exchange of notes constituting an agreement relating to
safeguarding technical data on the JT-10D aircraft
engine. Washington, 24 February and 18 March 1977**

Authentic text: English.

Registered by the United States of America on 27 April 1978.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

**Échange de notes constituant un accord concernant la
protection de données techniques relatives au moteur
d'avion JT-10D. Washington, 24 février et 18 mars
1977**

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 27 avril 1978.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND THE
FEDERAL REPUBLIC OF GERMANY RELATING TO SAFE-
GUARDING TECHNICAL DATA ON THE JT-10D AIRCRAFT
ENGINE

I

DEPARTMENT OF STATE
WASHINGTON

February 24, 1977

Excellency:

I have the honor to refer to recent discussions between representatives of the Government of the United States and the Government of the Federal Republic of Germany concerning commercial arrangements with respect to the design and development of a jet aircraft engine designated the "JT-10D" entered into by the Pratt and Whitney Aircraft Group, Commercial Products Division, United Technologies, Inc., a United States firm; Rolls Royce, Ltd., a British firm; Motoren und Turbinen-Union GmbH, a German firm; and Fiat S.p.A., an Italian firm.

Under the aforementioned commercial arrangements, the United States firm has agreed, subject to approval by the Government of the United States, to make available to the German firm certain advanced technical data relating to aircraft engine design and manufacture. The Government of the United States desires to facilitate this cooperative endeavor by granting the necessary approval, so long as the information to be transferred will be adequately safeguarded against disclosure to third parties or uses other than those specified in the collaboration agreement entered into by the United States, British, German, and Italian firms. The United States firm has been advised that export from the United States of technical data under the collaboration agreement is authorized subject to several conditions precedent, one of which is the conclusion of "a satisfactory agreement with the governments of the JT-10D partners constraining all parties from divulging any technical information on JT-10D design and manufacturing technology to third parties."

Accordingly, I have the honor to request that the Government of the Federal Republic of Germany furnish to the Government of the United States its firm assurances that it will not, except as hereinafter provided, disclose or permit the disclosure of technical data made available to the German firm by the United States firm pursuant to the collaboration agreement, and as particularly identified in Appendices 4 and 6 thereof, including technology developed in the implementation of that agreement, to any third country or to a national of a third country, and, further, that it will take all practicable measures to prevent that information from being so disclosed. The foregoing assurances apply to information conveyed to the German firm in writing and identified as JT-10D restricted technology pursuant to the collaboration agreement, and only so far as practicable, to information conveyed orally or by other means. They do not apply to information in the public domain or to information which was already known to the German firm prior to its receipt from the United States firm, it being

¹ Came into force on 18 March 1977, the date of the note in reply, in accordance with the provisions of the said notes.

understood that nothing in this understanding authorizes the release to third countries or to nationals of third countries of information received from the United States firm pursuant to the collaboration agreement that was not already releaseable to third countries or to nationals of third countries. They do not apply to transfers to the British and Italian partners, in accordance with the collaboration agreement, of technical information necessary for them to perform their respective roles under that agreement. The Government of the Federal Republic of Germany will also advise the Government of the United States promptly should any unauthorized disclosure occur.

I have the further honor to request that the Government of the Federal Republic of Germany request the German firm to insure that “confidential MTU technology” is initially transmitted in writing.

I have the honor to assure the Government of the Federal Republic of Germany that the Government of the United States will not, except as hereinafter provided, disclose or permit the disclosure of technical data made available to the United States firm by the German firm pursuant to the collaboration agreement, and as particularly identified in Appendices 4 and 6 thereof, including technology developed in the implementation of that agreement, to any third country or to a national of a third country, and, further, that it will take all practicable measures to prevent that information from being so disclosed. The foregoing assurances apply to information conveyed to the United States firm in writing and identified as “confidential MTU technology” pursuant to the collaboration agreement and, only so far as practicable, to information conveyed orally or by other means. They do not apply to information in the public domain or to information which was already known to the United States firm prior to its receipt from the German firm, it being understood that nothing in this understanding authorizes the release to third countries or to nationals of third countries of information received from the German firm pursuant to the collaboration agreement that was not already releaseable to third countries or to nationals of third countries. They do not apply to transfers to the British and Italian partners, in accordance with the collaboration agreement, of technical information necessary for them to perform their respective roles under that agreement. The Government of the United States will also advise the Government of the Federal Republic of Germany promptly should any unauthorized disclosure occur.

I have the further honor to assure the Government of the Federal Republic of Germany that the Government of the United States has requested the United States firm to insure that “JT-10D restricted technology” is initially transmitted in writing.

Comparable assurances have been requested by the Government of the United States from the Governments of the British and Italian partners to the JT-10D collaboration agreement with respect to technical information to be made available to those partners. Upon receipt of the requested assurances from all of the concerned governments, the Government of the United States will inform the United States firm that the conditions imposed upon United States approval of the proposed export have been fulfilled, and that implementation of the contract, therefore, may commence.

If the foregoing is acceptable to the Government of the Federal Republic of Germany, I have the honor to propose that Your Excellency’s reply to that effect and this note shall together constitute an agreement between our two governments which shall enter into force on the date of Your Excellency’s reply.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Acting Secretary of State:
JAMES G. LOWENSTEIN

His Excellency Berndt von Staden
Ambassador of the Federal Republic of Germany

II

EMBASSY OF THE FEDERAL REPUBLIC OF GERMANY
WASHINGTON, D.C.

March 18, 1977

Excellency:

In the absence of the Ambassador of the Federal Republic of Germany, I have the honor to acknowledge receipt of your note of 24th February 1977 by which you propose in the name of your Government the conclusion of an agreement between the Government of the United States of America and the Government of the Federal Republic of Germany and which reads as follows:

[See note I]

I have the honor to inform Your Excellency that the proposals are acceptable to the Government of the Federal Republic of Germany and to confirm that your note and this note in reply constitute an agreement between our two governments on this matter, which shall enter into force as from this date.

Accept, Excellency, the renewed assurances of my highest consideration.

[Signed]

Dr. NIELS HANSEN
Minister of the Embassy
of the Federal Republic of Germany

The Honorable Cyrus Vance
Secretary of State
Washington, D.C.
