

**No. 17401**

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

**Agreement relating to defense: production of AIM-9L Sidewinder air-to-air missile. Signed at Washington on 14 February 1975**

*Authentic text: English.*

*Registered by the United States of America on 14 December 1978.*

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

**Accord relatif à la défense : production du missile air-air AIM-9L Sidewinder. Signé à Washington le 14 février 1975**

*Texte authentique : anglais.*

*Enregistré par les États-Unis d'Amérique le 14 décembre 1978.*

## AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES DEPARTMENT OF THE NAVY AND THE FEDERAL MINISTER OF DEFENSE ON AIM-9L

1. The U.S. Navy, as the development and acquisition agency for the AIM-9L Sidewinder air-to-air missile, in coordination with the United States Air Force, and in consonance with the direction and guidance of the Office of the Secretary of Defense, United States of America, and the Ministry of Defense, Federal Republic of Germany (FRG), do both hereby acknowledge that a common interest exists to provide the armed forces of our respective nations with a short-range, air-to-air missile for use during the latter part of the 1970 decade and into the 1980 decade. It is the purpose of this agreement to record what has been mutually agreed upon to serve as a basis for necessary actions which must follow in order to achieve the goal. The following agreements have been reached:

*a.* The U.S. AIM-9L Sidewinder missile will be introduced both in the U.S. and the FRG, subject only to the decision by the U.S.A. to produce the AIM-9L and the attendant designation by the Secretary of Defense, that the AIM-9L will be the primary common short-range air-to-air missile for the U.S. Air Force and the U.S. Navy, until a follow-on model of the missile may be developed and approved for production.

*b.* The Federal Republic of Germany will terminate the development of the VIPER short-range air-to-air missile, and in favor of equipment standardization purchase the AIM-9L Sidewinder from the United States and/or coproduce all or part of the AIM-9L Sidewinder in the FRG. In case of missile production in the FRG, the U.S. will agree to fair and reasonable conditions.

*c.* Subsequent to the decision of the U.S. to produce the AIM-9L, the U.S. Navy will furnish the Ministry of Defense of the Federal Republic of Germany a complete production data package, and will make available the technical support required to establish an AIM-9L production capability within the FRG. Time and extent of these measures will be determined upon mutual agreement. It is recognized that there is a mandatory requirement for introduction of an initial quantity of missiles in the German Air Force by mid-1978.

*d.* The U.S. Navy will make every effort to assist the FRG in achieving this objective. For this purpose FRG engineers will be welcome to participate as members of the AIM-9L management team at Naval Weapons Center (NWC), China Lake.

*e.* The FRG's purchase of AIM-9L missiles from U.S. production will not exceed established production quantities, nor significantly impact upon planned U.S. inventory purchases, unless FRG requirements are made known prior to DSARC III.

2. Based on the possibility that the indicated missile will not be accepted by the United States for use by the armed forces of the U.S., the following shall define those efforts which will be mutually undertaken to provide the Federal Republic of Germany with a viable, alternative short-range air-to-air missile:

*a.* During the period from the date of this agreement to the date on which the United States Department of Defense reaches a decision on initial production of the

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<sup>1</sup> Came into force on 14 February 1975 by signature.

AIM-9L Sidewinder, the U.S. Navy will provide technical facilities and assistance at the Naval Weapons Center, China Lake, California, for those representatives so designated by the Ministry of Defense of the Federal Republic of Germany, to test and evaluate the seeker and its associated mechanism that was developed by the FRG during the VIPER program. The scope and extent of test and evaluation facilities required, technical assistance, and conduct of said test and evaluation shall be mutually agreed to by the designated FRG representatives and the U.S. Navy Commander, Naval Weapons Center, China Lake, California. The U.S. Navy has no funds programmed for this specific FRG-U.S. effort. All data and results of such testing shall be made available to the Ministry of Defense of the Federal Republic of Germany and the U.S. Navy.

b. During the same period, the U.S. Navy Commander, Naval Weapons Center, will provide such design data, drawings, and technical assistance as are needed by the FRG side to determine the required development and engineering necessary for integration of the VIPER seeker into the AIM-9H Sidewinder (this combination to be hereinafter referred to as Sidewinder ALASCA).

c. The U.S. Navy agrees to provide the Ministry of Defense of the Federal Republic of Germany with the design data package (less seeker head) for the AIM-9H Sidewinder missile for use in production, all or part, as desired, of the Sidewinder ALASCA Program in the event the AIM-9L is not selected by the U.S. for its armed forces. Besides this it is understood that there is a general interest to verify the results of the evaluation of the "Sidewinder ALASCA" hardware to include flight trials and to make available those results for future development efforts.

3. During the period of effectiveness of this agreement, the U.S. Navy will make available to the Ministry of Defense of the Federal Republic of Germany the technical and performance data for AIM-9L as necessary to permit the FRG to assess the results of all AIM-9L testing.

4. The U.S. Navy and the Ministry of Defense of the Federal Republic of Germany will each designate a Project Officer who will serve as the principal point of contact for his government and who will coordinate the activities covered under this agreement. The FRG intends to provide personnel at the Naval Weapons Center, China Lake, California, for the purpose of direct participation in the Sidewinder ALASCA program. At least one participant shall be a member of the FRG government service. Additionally, the FRG may provide personnel as active members of the AIM-9L management team at the Naval Weapons Center, China Lake, California. The number of participating FRG personnel and the composition thereof shall be mutually agreed upon by the U.S. and FRG Project Officers.

5. Costs of the development of the AIM-9L will be borne by the United States. The Ministry of the Federal Republic of Germany will be charged for work conducted by the Naval Weapons Center, China Lake, in furtherance of the Sidewinder ALASCA Project. These costs will be determined in accordance with paragraph X C-2 of DOD Directive 7410.4 (Regulations governing industrial fund operations).

As the work under the ALASCA Program will be defined or otherwise determined from time to time, the FRG will make advance payments to the Commander, Naval Weapons Center, China Lake, to cover the foregoing costs. The schedule of advances will be determined by the FRG and Commander, Naval Weapons Center, China Lake.

6. Visits and the exchange of information relating to this cooperative project will be executed in accordance with established procedures. Classified information or

material exchanged between the United States and the Federal Republic of Germany will be afforded the same degree of security protection given to it by the country of origin. Contractors sponsored by the Ministry of Defense of the Federal Republic of Germany who may be engaged in the aforementioned cooperative project will comply with all existing security regulations. The Ministry of Defense, FRG, will ensure that the U.S. information afforded FRG contractors will be for application to the U.S.-FRG cooperative project only and must in no instance be used for contractor industrial gain.

7. This agreement has been executed for the mutual benefit of both countries. It constitutes a working level agreement in principle to prosecute the events described herein. Concerned are the following measures:

- 7.1. German participation in the U.S. Management Team at the completion of AIM-9L development (see para.4);
- 7.2. Implementation of ALASCA Missile System Tests, including integration of the BGT-seeker head with AIM-9H (see para.2a);
- 7.3. German participation in the U.S. Management Team in preparation of production data in order to convey know-how (see para.1d);
- 7.4. Release of production data by the U.S. side and negotiating of appropriate licenses for AIM-9L and AIM-9H (see paras.1c and 2c);
- 7.5. Delivery of a first lot of AIM-9L series missiles by the U.S. side under special provisions (see para.1c);
- 7.6. Purchase of components for the entire procurement program in the U.S. under special provisions (see para.1b).

The measures indicated under items 7.2 thru 7.6 require for their implementation additional agreements between the governments.

Dr. TRIENNES

For the Federal Minister of Defense,  
Federal Republic of Germany

W. J. MORAN

For the United States  
Department of the Navy

[Signed]

Vice Admiral USN  
Director, Research, Development,  
Test and Evaluation

*Date:* 14 February 1975