

No. 48091

**Switzerland
and
United States of America**

Agreement between United States Navy of the United States of America and the Federal Department of Defense, Civil Protection and Sports acting for the Swiss Federal Council of the Swiss Confederation regarding the exchange of military personnel (Short title: MPEP Agreement) (with annexes). Bern, 4 June 2009, and Washington, 20 July 2009

Entry into force: *20 July 2009 by signature, in accordance with article X*

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**Suisse
et
États-Unis d'Amérique**

Convention entre la United States Navy des États-Unis d'Amérique et le Département fédéral de la défense, de la protection de la population et des sports agissant au nom du Conseil fédéral suisse concernant l'échange de personnel militaire (Titre court : Convention MPEP) (avec annexes). Berne, 4 juin 2009, et Washington, 20 juillet 2009

Entrée en vigueur : *20 juillet 2009 par signature, conformément à l'article X*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Suisse, 14 décembre 2010*

AGREEMENT BETWEEN
UNITED STATES NAVY
OF
THE UNITED STATES OF AMERICA
AND
THE FEDERAL DEPARTMENT OF DEFENSE,
CIVIL PROTECTION AND SPORTS
ACTING FOR
THE SWISS FEDERAL COUNCIL
OF
THE SWISS CONFEDERATION
REGARDING THE EXCHANGE
OF
MILITARY PERSONNEL
(SHORT TITLE: MPEP AGREEMENT)

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PREAMBLE

The United States Navy of the United States of America (U.S.) and the Federal Department of Defense, Civil Protection and Sports, acting for the Swiss Federation Council of the Swiss Confederation, hereinafter referred to as "the Parties," have agreed to establish a Military Personnel Exchange Program (MPEP), which is designed to strengthen bonds of friendship and understanding between the countries and their respective military organizations.

**ARTICLE I
DEFINITIONS OF TERMS**

The Parties have agreed upon the following definitions for terms used in this Agreement:

1.1.	Agreement	The Military Personnel Exchange Agreement that formalizes this Exchange Program.
1.2.	Classified Information	Information that is generated by or for the Government of the United States of America or the Swiss Confederation or that is under the jurisdiction or control of one of them, and that requires protection in the interests of national security of that government and that is so designated by the assignment of a national security classification by that government. The information may be oral, visual, electronic, or in documentary form, or in the form of material, including equipment or technology.
1.3.	Contact Officer	A U.S. Navy or Swiss Air Force official designated, in writing, to oversee and control all contacts, requests for information, consultations, access, and other activities of Military Exchange Personnel.
1.4.	Controlled Unclassified Information (CUI)	Unclassified information of a Party to which access or distribution limitations have been applied in accordance with national laws policies and regulations of such Party. It includes U.S. information that is exempt from public disclosure or subject to export control laws and regulations. It could include information that has been declassified but remains controlled.
1.5	Dependent	Spouse or unmarried child of the member who is under 21 years of age or incapable of self-support because of mental or physical incapacity.
1.6.	Host Government	The national Government of the Host Party.
1.7.	Host Party	The Party to which the Military Exchange Personnel acts as a Military Exchange Person pursuant to an assignment by a Parent Party under Article III of this Agreement.
1.8.	International Visits Program (IVP)	The program established to process visits by, and assignments of, foreign representatives to DoD Components and DoD contractor facilities. It is designed to ensure that Classified and Controlled Unclassi-

		fied Information to be disclosed to foreign nationals has been properly authorized for disclosure to their Governments; that the requesting foreign government provides a security assurance on such foreign nationals and their sponsoring organization or firm, when Classified Information is involved in the visit or assignment, and that administrative arrangements (e.g., date, time, and place) for the visit or assignment are provided.
1.9.	Military Exchange Personnel	Military personnel on active duty with the Parent Party who are present with the Host Party pursuant to this Military Personnel Exchange Program (MPEP)
1.10.	Parent Government	The national Government of the Parent Party.
1.11.	Parent Party	The Party that assigns a Military Exchange Officer pursuant to Article III of this Agreement

**ARTICLE II
PURPOSE AND SCOPE**

2.1. This Agreement establishes the terms and conditions by which the United States Navy of the United States of America and the Federal Department of Defense, Civil Protection and Sports, acting for the Swiss Federal Council of the Swiss Confederation (hereafter referred to as "the Parties"), agree to provide on-site working assignments to selected career military personnel (hereafter referred to as "Military Exchange Personnel") from the other Party. The work assignments shall provide Military Exchange Personnel work experience and knowledge of the organization and management of Host Party activities by performing duties under the direction of a Host Party supervisor. Exchanges of military personnel under this Agreement shall be conducted on a reciprocal basis, in similar duties, so that the overall benefit to each Party shall be essentially equal. The Parties agree that a Military Exchange Personnel position no longer required by, or of mutual benefit to, either Party will be subject to elimination.

2.2. The Military Exchange Personnel may be assigned only to positions established in Annexes to this Agreement. Annexes to this Agreement shall be an integral part hereof and may include additional terms and prerequisites specific to particular assignments.

2.3. This Military Personnel Exchange Program (MPEP) shall not include training, except for programs conducted to familiarize, orient, or certify exchange personnel regarding unique aspects of their assignments. Additionally, it is not to be used as a mechanism for the exchange of information between the Parties.

2.4. Military Exchange Personnel shall not act in a liaison capacity, or otherwise act as representatives of the Parent Party or the Parent Government while assigned to exchange positions, nor shall they act as representatives of the Host Party or the Host Government to which they are assigned. Military Exchange Personnel shall perform duties as defined in the position descriptions for their respective positions.