

**No. 51275\***

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**Spain  
and  
United States of America**

**Agreement between the Kingdom of Spain and the United States of America on cooperation in science and technology for homeland security matters (with annex). Madrid, 30 June 2011**

**Entry into force:** *provisionally on 30 June 2011 by signature and definitively on 11 July 2013 by notification, in accordance with article 21*

**Authentic texts:** *English and Spanish*

**Registration with the Secretariat of the United Nations:** *Spain, 14 August 2013*

*\*No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

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**Espagne  
et  
États-Unis d'Amérique**

**Accord entre le Royaume d'Espagne et les États-Unis d'Amérique relatif à la coopération scientifique et technologique en matière de sécurité intérieure (avec annexe). Madrid, 30 juin 2011**

**Entrée en vigueur :** *provisoirement le 30 juin 2011 par signature et définitivement le 11 juillet 2013 par notification, conformément à l'article 21*

**Textes authentiques :** *anglais et espagnol*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Espagne, 14 août 2013*

*\*Le numéro de volume RTNU n'a pas encore été établi pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE  
KINGDOM OF SPAIN ON COOPERATION IN SCIENCE AND TECHNOLOGY  
FOR HOMELAND SECURITY MATTERS**

**THE UNITED STATES OF AMERICA AND THE KINGDOM OF SPAIN  
hereinafter referred to as the “Parties”:**

**HAVING** a mutual interest in research and development relating to homeland/civil security matters;

**DESIRING** to increase the exchanges of information and personnel in areas pertinent to the identification of homeland/civil security threats and countermeasures and the development of technical standards, operational procedures, and supporting methodologies that govern the use of relevant technologies;

**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, including transport 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;

**NOTING** the Agreement between the United States of America and the Kingdom of Spain on Scientific and Technical Cooperation done at Madrid June 10, 1994;

**CONSIDERING** the Agreement between the United States of America and the Kingdom of Spain on Enhancing Cooperation in Preventing and Combating Serious Crime, done in Washington on 23 June 2009;

**HAVE AGREED** as follows:

### **ARTICLE 1** **Definitions**

For purposes of this Agreement between the United States of America and the Kingdom of Spain on Cooperation in Science and Technology for Homeland Security Matters ("the Agreement"), the Parties have adopted the following definitions:

<b>Business Confidential Information</b>	Has the meaning given to it in Section IV of the Annex (Intellectual Property Rights) to this Agreement.
<b>Classified Contract</b>	A Contract that requires, or will require, access to Classified Information by a Contractor or by its employees in the performance of a Contract.
<b>Classified Information</b>	Official information that requires protection for national security, law enforcement, domestic security, or other reasons 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. Classified Information shall have the same meaning as that in the General Security Agreement.

<b>Contract</b>	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.
<b>Contracting Agency</b>	Any entity within the government of a Party that has authority to enter into, administer, and/or terminate contracts.
<b>Contractor</b>	Any entity awarded a Contract by, or entering into a Contract with, a Party in relation to a Project Arrangement.
<b>Controlled Unclassified Information</b>	Information that is not deemed to be Classified Information in the United States nor in Spain, 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," "Trusted Information Sharing Network for Critical Infrastructure Protection (TISN) In Confidence," "In Confidence," and "Sensitive;" and information marked in Spain as "de uso oficial". Controlled Unclassified Information may include Business Confidential Information.
<b>Cooperative Activity</b>	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.
<b>Critical Infrastructure/ Key Resources</b>	Governmental and/or private activities or sectors that are identified by each Party in its laws, executive orders, directives or policies as "Critical Infrastructure," "Key Resources," "Infraestructura Estratégica," or "Recursos Claves."

<b>Designated Security Authority (DSA)</b>	The government authority responsible for the development of policies and procedures governing security of Classified or Controlled Unclassified Information covered by this Agreement.
<b>Equipment and Material</b>	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.
<b>General Security Agreement</b>	General Security of Military Information Agreement between the United States of America and Spain done at Washington on March 12, 1984, including any subsequent amendments.
<b>Intellectual Property</b>	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.
<b>Need-to-Know</b>	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.
<b>Party</b>	Either the United States of America and its federal departments, agencies, and officials, but not State or Local governments, entities, or officials; or the Kingdom of Spain and its departments, agencies, and officials.
<b>Participant</b>	Any non-Party person or entity, including but not limited to a private sector organization, academic institution, or laboratory (or subsidiary thereof) engaged in a Cooperative Activity, including those under Contract to a Party.