

AGREEMENT
BETWEEN THE GOVERNMENT OF JAPAN
AND THE GOVERNMENT OF THE ITALIAN REPUBLIC
CONCERNING THE TRANSFER OF DEFENCE EQUIPMENT AND TECHNOLOGY

The Government of Japan and the Government of the Italian Republic (hereinafter referred to as "the Parties"),

Mindful of the existing cooperative relationship between the Parties in the security area;

Acknowledging the Agreement between the Government of Japan and the Government of the Italian Republic on the security of information, which entered into force on 7 June 2016;

Having regard to the Individual Partnership and Cooperation Programme between Japan and NATO of 6 May 2014;

Desiring that cooperation in the area of defence equipment and technology in which the Parties participate should contribute to international peace and security; and

Recognising the need to set forth the terms and conditions which should govern the transfer of defence equipment and technology;

Have agreed as follows:

Article 1

1. Each Party shall, subject to the relevant laws and regulations of its country and in accordance with the provisions of this Agreement, make available to the other Party defence equipment and technology necessary to implement joint research, development and production projects or projects for enhancing security and defence cooperation to be determined in accordance with the provisions of paragraph 2. below.

2. Specific projects of the joint research, development and production or for enhancing security and defence cooperation shall be mutually determined, taking into account various factors including commercial viability or the security of the respective countries, and confirmed by the Parties through the diplomatic channel.

Article 2

1. A Joint Committee shall be established as the means for determining the defence equipment and technology to be transferred for the projects determined in accordance with the provisions of paragraph 2. of Article 1.

2. The Joint Committee shall be composed of two national sections.

The Japanese Section shall be composed of:

a representative of the Ministry of Defense;

a representative of the Ministry of Foreign Affairs; and

a representative of the Ministry of Economy, Trade and Industry.

The Italian Section shall be composed of:

two representatives of the Ministry of Defense; and

a representative of the Ministry of Foreign Affairs and International Cooperation.

3. The relevant information necessary for determining the defence equipment and technology to be transferred shall be communicated to the national sections through the diplomatic channel.

4. Based on the relevant information communicated in accordance with the provisions of paragraph 3. above, the defence equipment and technology to be transferred shall be determined by the Joint Committee.

5. Detailed arrangements providing for, inter alia, the defence equipment and technology to be transferred, persons who shall be party to the transfer, and the detailed terms and conditions of the transfer, shall be made between the competent authorities of the Parties in order to implement this Agreement. The competent authorities of the Government of Japan shall be the Ministry of Defense and the Ministry of Economy, Trade and Industry; the competent authority of the Government of the Italian Republic shall be the Ministry of Defense.

Article 3

1. Each Party shall make effective use of defence equipment and technology transferred from the other Party in a manner consistent with the purposes and principles of the Charter of the United Nations, and such other purposes as may be determined in the detailed arrangements, and neither Party shall devote such defence equipment and technology to any other purpose.

2. Each Party shall not transfer to any person not an officer or agent including contractor and subcontractor of such Party, or to any other Government, title to or possession of any defence equipment and technology transferred pursuant to this Agreement, without the prior consent of the Party which transferred such defence equipment and technology.

Article 4

Each Party shall, subject to the relevant laws and regulations of its country and in accordance with other applicable international agreements between the Parties, take necessary measures to protect classified information transferred from the other Party pursuant to this Agreement.

Article 5

This Agreement and all arrangements to be made hereunder shall be implemented subject to the relevant laws and regulations and budgetary appropriations of the respective countries.

Article 6

Any matter relating to the interpretation or application of this Agreement and all arrangements to be made hereunder shall be resolved solely through consultation between the Parties.

Article 7

1. This Agreement shall enter into force on the date on which the Parties exchange diplomatic notes informing each other that their respective internal procedures necessary to give effect to this Agreement have been completed.

2. This Agreement may be amended by written agreement between the Parties. Any amendment to this Agreement shall follow the same procedure as its entry into force.

3. This Agreement shall remain in force for a period of five years and shall be automatically extended annually thereafter unless either Party notifies the other in writing through the diplomatic channel ninety days in advance of its intention to terminate this Agreement.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

DONE in duplicate at Tokyo, this twenty-second day of May, 2017, in the English language.

For the Government
of Japan:

岸田文雄

For the Government
of the Italian Republic:

Roberta Pinotti