BILATERAL

MEMORANDUM OF UNDERSTANDING ON DEFENSE INDUSTRY COOPERATION BETWEEN THE DEPARTMENT OF NATIONAL DEFENSE OF THE REPUBLIC OF THE PHILIPPINES AND THE STATE ADMINISTRATION OF SCIENCE...

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The Department of National Defense (DND) of the Republic of the Philippines and the State Administration of Science, Technology and Industry for National Defense (SASTIND) of the People's Republic of China, hereinafter referred to collectively as the "Participants" or individually as the "Participant",

For the purpose of further strengthening the friendly relationship between the two countries and promoting bilateral exchanges and cooperation in defense industry,

Have decided as follows on the basis of mutual respect, trust, benefit and equality:

PARAGRAPH I

SCOPE
The Participants decided to jointly carry out the following matters within the framework of their own national laws, regulations and international obligations undertaken by their own countries:

- Develop cooperation in the areas of science, technology and industry for national defense in the ways specified in this Memorandum of Understanding (MOU), including signing and implementation of project contracts;

- Exchange technical and commercial information in science, technology and industry for national defense of their units with interest for cooperation within the scope of this MOU.

PARAGRAPH II

COOPERATION FORMS
The Participants may consider the following forms of cooperation:

- Purchase, transfer and/or donation of equipment, matching parts, elements and raw materials for weapons and anti-terrorism & drug control equipment as well as other military products;

- Technical and information transfer;

- Joint Research and Development (R&D) and production;

- Personnel exchanges during R&D, training, production, maintenance and implementation of the cooperation projects;

- Providing logistic and technical support services for military equipment;

- Other cooperative matters concerning national defense industry and technology decided by the Participants.

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PARAGRAPH III

EXECUTIVE BODIES

The Participants will strive to promote direct exchanges and cooperation in national defense industry and technology between the two countries. The Participants designate the following bodies as the specific executive bodies, respectively, to facilitate the coordination:

The Philippine executive body will be the Office of the Assistant Secretary for Acquisition, Installations and Logistics (OASAIL), Department of National Defense (DND) of the Republic of the Philippines, which is located at Segundo Avenue, Camp General Emilio Aguinaldo, Quezon City, Metro Manila 1110, Philippines.

The Chinese executive body will be the Department of Military Trade and Foreign Affairs, State Administration of Science, Technology and Industry for National Defense (SASTIND) of the People's Republic of China, which is located at No. 8A, Fucheng Road, Haidian District, Beijing 100048, China.

PARAGRAPH IV

INTELLECTUAL PROPERTY PROTECTION

The Participants will ensure that any document, data, materials and information exchanged under this MOU will only be within the scope of cooperation provided for in Paragraph I of this MOU and with prior written consent of the owner of the proprietary right. The Participants will be obliged to take necessary measures to prevent their unauthorized use.

PARAGRAPH V

CONFIDENTIALITY

The Participants will carry out to keep confidential any document, data, materials and information received during the execution of this MOU. The confidential level and period of the above-mentioned documents, data, materials and information will be determined by the furnishing Participant.

Any Participant will not disclose or provide the confidential documents, data, materials and information to any third party or use them for any purpose beyond this MOU without prior written consent by the furnishing Participant.

Any confidential document, data, materials and information will be transferred only through the official channels of the departments authorized by the Participants.

Any Participant will not use the related information received under this MOU adversely to the other Participant.

The termination of this MOU within the confidential period of the confidential documents, data, materials and information will not affect the confidential commitments set out under this MOU until the expiry of the confidential period.

PARAGRAPH VI

END USER/USE MANAGEMENT

Any Participant will not transfer the received military products and the related technology to any third party beyond the stated end user or use them for other purposes beyond the stated end use without the prior written consent by the furnishing Participant. It is understood that all bureaus of the Participants will be considered as end users.

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PARAGRAPH VII

SETTLEMENT OF DISPUTES
Any dispute concerning the interpretation or application of this MOU and all arrangements to be made hereunder will be resolved solely through consultations between the Participants through diplomatic channels.

PARAGRAPH VIII

MISCELLANEOUS
This MOU will not affect the arrangements signed with any third party by the Participants respectively as well as their benefits and commitments by virtue of other international arrangements.

PARAGRAPH IX

EFFECTIVITY, VALIDITY AND TERMINATION
This MOU will come into effect on the date of last written notification by the Participants, through diplomatic channels, indicating that the domestic requirements for its entry into effect have been complied with.

This MOU will remain in effect for a period of five (5) years and will be automatically extended for similar periods unless either Participant officially notifies the other Participant, through diplomatic channels, of its desire to suspend or terminate this MOU. In such case, this MOU will remain valid 180 days after the date when one Participant receives an official notification from the other Participant expressing the desire of the latter to suspend or terminate this MOU.

This MOU may be amended or modified in writing by mutual consent by both Participants.

The termination of this MOU will not affect the implementation of the ongoing projects and programs under this MOU. All these projects and programs will be carried out until completion.

Done in duplicate in Manila, Philippines, on 15 November 2017, in the English and Chinese languages, both texts being equally authentic.

For the Department of National

For the State Administration of

Defense of the Republic of the

Science, Technology and Industry

Philippines

for National Defense of the

People’s Republic of China

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Entry into Force: July 5, 2018

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