

ARTICLE III

A. If the owner of proprietary technical information which has been communicated for defence purposes suffers damage through unauthorised disclosure or use of the information by a Recipient or anyone to whom this Recipient has disclosed the information, this Recipient shall compensate the owner:

when it is a government, in conformity with the national law of this Recipient;

when it is a NATO Organization, unless otherwise agreed by the parties concerned, in conformity with the law of the country in which the Headquarters of this organization is located.

Such compensation shall be made either directly to the owner or to the Government or Organization of Origin if the latter itself compensates the owner. In the latter case, the amount to be paid by the Recipient will not be affected by the amount of compensation paid by the Government or Organization of Origin, unless otherwise agreed.

B. Recipients and the Government or Organization of Origin, so far as their security requirements permit, shall furnish each other with any evidence and information available and accord other appropriate assistance to determine damage and compensation.

C. At the request of a Government Party to this Agreement or a NATO Organization concerned, an Advisory Committee composed solely of representatives of the Governments and NATO Organizations involved in the transaction may be created to investigate and examine evidence and report to the parties concerned on the origin, nature and scope of any damage. This Committee may request the Secretary General of the North Atlantic Treaty Organization to designate a member of the International Staff to be a member of the Committee as an observer or as a representative of the Secretary General.

D. Nothing in this Article shall impair any rights that the injured owner may have against any Government or NATO Organization.

ARTICLE IV

The Governments Parties to this Agreement shall develop within the North Atlantic Council procedures for the implementation of this Agreement. In particular these Procedures shall contain provisions governing:

- (a) the communication, receipt and use of proprietary technical information under this Agreement;
- (b) the participation of NATO Organizations in the communication, receipt and use of proprietary technical information;
- (c) the creation and operation of the Advisory Committee provided for in Article III.C. above;