

## Non Disclosure Agreement

This Nondisclosure Agreement (the “Agreement”) is entered into by and between:

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*(“Disclosing Party”) and*

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European Spallation Source ERIC

*(“Receiving Party”)*

for the purpose of preventing the unauthorized disclosure of Confidential Information as defined below. The parties agree to enter into a confidential relationship with respect to the disclosure of certain proprietary and confidential information.

### 1. Definition of Confidential Information.

For purposes of this Agreement, “Confidential Information” shall include all information or material that concerns budgetary issues, economic agreements and other agreements between the member states, including the host states. If Confidential Information is revealed, the Disclosing Party shall label the materials with the word “Confidential” or some similar warning. If Confidential Information is transmitted orally, the Disclosing Party shall promptly explain that the information is confidential.

### 2. Exclusions from Confidential Information.

Receiving Party’s obligations under this Agreement do not extend to information that is: (a) publicly known at the time of disclosure or subsequently becomes publicly known through no fault of the Receiving Party; (b) discovered or created by the Receiving Party before disclosure by Disclosing Party; (c) learned by the Receiving Party through legitimate means other than from the Disclosing Party or Disclosing Party’s representatives; or (d) is disclosed by Receiving Party with Disclosing Party’s approval.

### 3. Obligations of Receiving Party.

Receiving Party shall hold and maintain the Confidential Information in strictest confidence for the sole and exclusive benefit of the Disclosing Party.

### 4. Time Periods.

The nondisclosure provisions of this Agreement shall survive the termination of this Agreement and Receiving Party’s duty to hold Confidential Information in confidence shall remain in effect until the Confidential Information no longer qualifies as a secret or until Disclosing Party sends Receiving Party written notice releasing Receiving Party from this Agreement, whichever occurs first.

This Agreement and each party’s obligations shall be binding on the representatives, assigns and successors of such party. Each party has signed this Agreement.

Lund, April 28<sup>th</sup> 2020

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DISCLOSING PARTY

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RECEIVING PARTY