

No. 46705

**Latvia
and
Austria**

Agreement between the Government of the Republic of Latvia and the Austrian Federal Government on the exchange and mutual protection of classified information. Vienna, 31 October 2008

Entry into force: *1 December 2008, in accordance with article 15*

Authentic texts: *English, German and Latvian*

Registration with the Secretariat of the United Nations: *Latvia, 12 October 2009*

**Lettonie
et
Autriche**

Accord entre le Gouvernement de la République de Lettonie et le Gouvernement fédéral d'Autriche relatif à l'échange et à la protection mutuelle des renseignements classifiés. Vienne, 31 octobre 2008

Entrée en vigueur : *1^{er} décembre 2008, conformément à l'article 15*

Textes authentiques : *anglais, allemand et letton*

Enregistrement auprès du Secrétariat des Nations Unies : *Lettonie, 12 octobre 2009*

[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF LATVIA
AND
THE AUSTRIAN FEDERAL GOVERNMENT
ON
THE EXCHANGE AND MUTUAL PROTECTION
OF CLASSIFIED INFORMATION**

The Government of the Republic of Latvia and the Austrian Federal Government (hereinafter referred to as “the Parties”)-

intending to ensure the security of all classified information designated as such in accordance with the applicable national law and transmitted to the other Party,

wishing to provide rules for the mutual protection of classified information applicable to every form of cooperation in the course of which such information is exchanged or generated-

have agreed upon the following:

**ARTICLE 1
DEFINITIONS**

For the purposes of this Agreement:

(1) “Classified information” means any information or object, regardless of its form of presentation and data storage medium, designated and marked as such in accordance with the applicable national law in order to ensure protection against any breach of security.

(2) “Applicable national law” means all the laws and regulations of either the Republic of Latvia or the Republic of Austria.

(3) "Breach of security" means any act or omission contrary to the applicable national law which results or may result in unauthorised disclosure, misappropriation or loss of classified information.

(4) "Receiver" means a Party as well as any public or private entity under its jurisdiction, to which classified information is transmitted.

(5) "Originator" means a Party as well as any public or private entity under its jurisdiction, which releases classified information.

(6) "Personnel security clearance" means a written determination based on a vetting procedure that an individual is duly authorised to have access to classified information up to the level defined in the clearance.

(7) "Facility security clearance" means a written determination based on an investigative procedure that a public or private entity is duly authorised to handle classified information up to the level defined in the clearance.

(8) "Contractor" means a public or private entity possessing the legal capacity to conclude contracts.

(9) "Classified contract" means a contract between a contractor from the State of one Party and a contractor from the State of the other Party, which contains classified information or the implementation of which requires access to and handling of classified information.

ARTICLE 2 SECURITY CLASSIFICATION LEVELS

(1) The Parties agree on the equivalence of the following security classification levels:

Republic of Latvia	Republic of Austria	Equivalent in English
SEVIŠĶI SLEPENI	STRENG GEHEIM	TOP SECRET
SLEPENI	GEHEIM	SECRET

KONFIDENCIĀLI	VERTRAULICH	CONFIDENTIAL
DIENESTA VAJADZĪBĀM	EINGESCHRÄNKT	RESTRICTED

(2) Classified information to be transmitted shall be marked by the originator with the appropriate security classification level.

(3) Classified information generated or reproduced in the course of cooperation under this Agreement shall also be marked in accordance with paragraph 2 of this Article.

(4) The security classification level shall only be altered or revoked by the originator. The receiver shall be informed without delay in writing about any alteration or revocation.

ARTICLE 3

COMPETENT SECURITY AUTHORITIES AND AGENCIES

The Parties shall notify each other through diplomatic channels of their security authorities and agencies competent for the implementation of this Agreement.

ARTICLE 4

SECURITY PRINCIPLES

(1) The Parties shall take all appropriate measures in accordance with this Agreement and the applicable national law to protect the transmitted classified information and shall ensure the necessary control of these measures.

(2) The Parties shall afford transmitted classified information at least the same level of protection as they afford their own classified information of the equivalent security classification level.

(3) Transmitted classified information shall only be used for the agreed purposes and shall only be made accessible to individuals duly authorised in accordance with the applicable national law.

(4) Transmitted classified information shall not be made accessible to a third party without the prior written consent of the originator.

(5) Classified information generated in the course of cooperation under this Agreement shall be protected in the same way as transmitted classified information.

ARTICLE 5

PERSONNEL SECURITY CLEARANCE

(1) Access to information classified as KONFIDENCIĀL/VERTRAULICH/CONFIDENTIAL and above shall only be granted on the basis of a personnel security clearance.

(2) The competent security authorities and agencies shall assist each other upon written request and in accordance with the applicable national law when, under this Agreement, carrying out vetting procedures of individuals staying or having stayed in the other State.

(3) Within the scope of this Agreement, the Parties shall mutually recognise the personnel security clearances.

(4) Within the scope of this Agreement, the competent security authorities and agencies shall inform each other without delay in writing about any alteration with regard to personnel security clearances.

ARTICLE 6

CLASSIFIED CONTRACTS

(1) In the context of the preparation or conclusion of classified contracts, the competent security authorities and agencies shall inform each other upon written request, whether a valid facility security clearance has been issued or the relevant proceedings have been initiated.

(2) Within the scope of this Agreement, the Parties shall mutually recognise the facility security clearances.