

No. 47327

**Estonia
and
Austria**

Agreement between the Government of the Republic of Estonia and the Austrian Federal Government on the exchange and mutual protection of classified information. Tallinn, 24 August 2009

Entry into force: *1 February 2010 by notification, in accordance with article 16*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *Estonia, 14 April 2010*

**Estonie
et
Autriche**

Accord entre le Gouvernement de la République d'Estonie et le Gouvernement fédéral d'Autriche relatif à l'échange et à la protection réciproque des renseignements classifiés. Tallinn, 24 août 2009

Entrée en vigueur : *1^{er} février 2010 par notification, conformément à l'article 16*

Texte authentique : *anglais*

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[ENGLISH TEXT – TEXTE ANGLAIS]

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

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

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

wishing to provide rules for the mutual protection of classified information transmitted or generated in the course of the cooperation between the Parties,

have agreed upon the following:

**ARTICLE 1
DEFINITIONS**

For the purposes of this Agreement,

- a) “Classified Information” means any information, regardless of its form, designated and marked as such in accordance with the national law of either Party in order to ensure protection against unauthorized disclosure, misappropriation or loss;
- b) “Competent Authority” means the National Security Authority and any other competent authority and agency notified in accordance with Article 13;
- c) “Personnel Security Clearance” means the determination by a Competent Authority that an individual is eligible to have access to Classified Information in accordance with the national law;
- d) “Facility Security Clearance” means the determination by a Competent Authority that a legal entity or individual has the physical and organizational capability to meet the conditions for access to and handling of Classified Information in accordance with the national law;
- e) “Classified Contract” means a contract or subcontract between a legal entity or individual from the State of one Party and a legal entity or individual from the State of the other Party, the implementation of which requires access to Classified Information or its generation.

ARTICLE 2
EQUIVALENCE OF SECURITY CLASSIFICATION LEVELS

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

Republic of Austria:	Republic of Estonia:	Corresponding English expression:
STRENG GEHEIM	TÄIESTI SALAJANE	TOP SECRET
GEHEIM	SALAJANE	SECRET
VERTRAULICH	KONFIDENTSIAALNE	CONFIDENTIAL
EINGESCHRÄNKT	PIIRATUD	RESTRICTED

ARTICLE 3
MARKING

- (1) Classified Information to be transmitted shall be marked by the originator in accordance with the appropriate security classification level.
- (2) Classified Information generated, reproduced or translated in the course of cooperation under this Agreement shall also be marked.
- (3) The security classification level shall only be altered or revoked with the written consent of the originator. The originator shall inform the receiver without delay about any alteration or revocation of the security classification level of the transmitted Classified Information.

ARTICLE 4
PRINCIPLES OF THE PROTECTION OF CLASSIFIED INFORMATION

- (1) The Parties shall take all appropriate measures to ensure the protection of the transmitted Classified Information and shall provide for the necessary control of this protection.
- (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 purpose it has been released for.
- (4) Transmitted Classified Information shall only be made accessible to persons who are authorized in accordance with the national law to have access to Classified Information of the equivalent security classification level and who require this access for the exercise of their duties.

(5) A Party shall not make Classified Information accessible to a third party without the written consent of the Competent Authority of the originator.

(6) Classified Information generated in the course of cooperation under this Agreement shall enjoy the same protection as transmitted Classified Information.

ARTICLE 5 PERSONNEL SECURITY CLEARANCE

(1) Within the scope of this Agreement, each Party shall recognize the Personnel Security Clearances issued by the other Party.

(2) The Competent Authorities shall assist each other upon request and in accordance with the national law in carrying out vetting procedures necessary for the application of this Agreement.

(3) Within the scope of this Agreement, the Competent Authorities shall inform each other without delay about any alteration with regard to Personnel Security Clearances, in particular about a revocation or an alteration of the security classification level.

(4) Upon request of the Competent Authority of the originator, the Competent Authority of the receiver shall issue a written confirmation that an individual has the right to access Classified Information.

ARTICLE 6 CLASSIFIED CONTRACTS

(1) A Classified Contract shall contain provisions on the security requirements and on the classification level of the information to be released.

(2) In the context of Classified Contracts, each Party shall recognize the Facility Security Clearances issued by the other Party.

(3) In the context of the preparation or conclusion of Classified Contracts, the Competent Authorities shall inform each other upon request whether a valid Facility Security Clearance has been issued or the relevant proceedings have been initiated and about the security requirements for the Classified Information involved.

(4) The Competent Authorities shall inform each other without delay about any alteration with regard to Facility Security Clearances falling under this Article, in particular about a revocation or an alteration of the security classification level.

(5) The originator shall transmit to the receiver and to the Competent Authority of the receiver a list of the Classified Information to be transmitted under the Classified Contract.

ARTICLE 7 TRANSMISSION

Classified Information shall be transmitted through diplomatic channels or any other channels as agreed upon between the Parties. Receipt of Classified Information shall be acknowledged in writing.

ARTICLE 8 REPRODUCTION AND TRANSLATION

(1) The reproduction and translation of Classified Information may be restricted or excluded by the originator.

(2) Classified Information marked as GEHEIM / SALAJANE / SECRET shall be reproduced or translated only with the written consent of the originator. Classified Information marked as STRENG GEHEIM / TÄIESTI SALAJANE / TOP SECRET shall not be reproduced or translated by the receiver.

(3) Classified Information shall only be translated by persons authorized to have access to Classified Information of the respective security classification level.

(4) Copies and translations shall be protected in the same way as originals.

ARTICLE 9 DESTRUCTION

(1) Classified Information shall be destroyed in a verifiable way and in a manner that does not permit a full or partial reconstruction. Classified Information marked as STRENG GEHEIM / TÄIESTI SALAJANE / TOP SECRET shall not be destroyed but shall be returned.

(2) In case of a crisis situation in which it is impossible to protect or return Classified Information transmitted or generated under this Agreement, the Classified Information shall be destroyed immediately. The receiver shall inform the Competent Authority of the originator about this destruction as soon as possible.

ARTICLE 10 VISITS

(1) Visits requiring access to Classified Information are subject to prior permission by the Competent Authority of the host Party. The permission shall be granted only to persons authorized in accordance with the national law to have access to Classified Information of the respective security classification level.