

No. 47543

**Poland
and
Republic of Korea**

Agreement between the Government of the Republic of Poland and the Government of the Republic of Korea on the protection of classified military information. Warsaw, 30 September 2009

Entry into force: *5 March 2010 by notification, in accordance with article 14*

Authentic texts: *English, Korean and Polish*

Registration with the Secretariat of the United Nations: *Poland, 25 June 2010*

**Pologne
et
République de Corée**

Accord entre le Gouvernement de la République de Pologne et le Gouvernement de la République de Corée relatif à la protection d'informations militaires classifiées. Varsovie, 30 septembre 2009

Entrée en vigueur : *5 mars 2010 par notification, conformément à l'article 14*

Textes authentiques : *anglais, coréen et polonais*

Enregistrement auprès du Secrétariat des Nations Unies : *Pologne, 25 juin 2010*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT

Between the Government of the Republic of Poland and the Government of the Republic of Korea on the Protection of Classified Military Information

The Government of the Republic of Poland and the Government of the
Republic of Korea (hereinafter referred to as the “Parties”),

DESIRING to cooperate in the field of defense and
WISHING to ensure the reciprocal protection of Classified Military
Information transmitted, exchanged or generated between the Parties or
between Authorized Bodies of the Parties in the field of defense
cooperation and to implement their obligations under this Agreement
subject to their domestic laws and policies,

Have agreed as follows:

Article 1
Definitions

For the purpose of this Agreement:

- 1) **“Classified Military Information”**- means any information or materials, irrespective of the form or method of transmission, that is generated by or for the Parties or that is under their jurisdiction or control, including military devices, weapons, equipment, instruments and technology, military maps, graphs and sketches, documents and written records, sound and recordings, computer programs and electronic data storage and any other form of information or materials which require protection in the interests of the national defense, security or combat capacity of a Party and that have been given security classification by that Party in accordance with the domestic laws of the Parties;
- 2) **“Domestic laws”**- means the laws and regulations in force in the territory of each Party;
- 3) **“Competent Security Authorities”**- means the authorities of the Parties referred to in Article 3 who shall be responsible for the protection of Classified Military Information in accordance with the domestic laws of the Parties and the provisions of this Agreement;
- 4) **“Contractor/Subcontractor”** – means an individual or legal entity possessing the legal capability to enter contracts;
- 5) **“Classified Contract”**- means an agreement between two or more Contractors/Subcontractors creating and defining enforceable rights and obligations, which contains or involves Classified Military Information;
- 6) **“Originating Party”**- means the Party which generates and transmits Classified Military Information;
- 7) **“Receiving Party”** - means the Party to which Classified Military Information is transmitted;
- 8) **“Authorized Body”**- means an individual, organization or other entity, which is permitted by one of the Parties to generate, receive, store and use of Classified Military Information in accordance with the domestic laws of that Party, including the Competent Security Authorities;
- 9) **“Third Party”** - means a state, an individual or every public or private entity subject to their jurisdiction as well as every international organization, which is not a Party under this Agreement.

Article 2

Security Classification

1. The Receiving Party shall mark all Classified Military Information received from the Originating Party with the equivalent security classification specified by the Originating Party in accordance with the provisions of Paragraph 3.
2. The security classification level may be changed or removed only by the Originating Party. The Originating Party shall immediately notify the Competent Security Authority of the Receiving Party of any change or removal of the security classification.
3. The equivalent security classifications of the Parties are as follows:

Republic of Poland	Republic of Korea	Equivalent in English
TAJNE	군사II급비밀	SECRET
POUFNE	군사III급비밀	CONFIDENTIAL
ZASTRZEŻONE	군사대외비	RESTRICTED

Article 3

Competent Security Authorities

1. For the purpose of this Agreement, the Competent Security Authorities shall be:
 - 1) for the Republic of Poland:
Head of the Military Counter-Intelligence Service;
 - 2) for the Republic of Korea:
Defense Intelligence Agency, Ministry of National Defense.
2. The Competent Security Authorities may conclude supplementary arrangements setting out specific details regarding the execution of this Agreement.
3. The Parties shall inform each other immediately about any changes of their Competent Security Authorities as well as any changes in their domestic laws which may affect the protection of Classified Military Information under this Agreement.

Article 4

Protection of Classified Military Information

1. The Parties shall provide received Classified Military Information at least the same level of protection as is provided for their own Classified Military Information with the corresponding equivalent security classification level.
2. The received Classified Military Information shall be used exclusively for the purposes for which it was provided by the Originating Party, unless otherwise permitted in writing by the Originating Party.
3. Neither Party shall disclose, release or provide access to Classified Military Information to any Third Party without the prior written consent of the Competent Security Authority of the Originating Party.
4. The Competent Security Authorities shall ensure necessary control over the protection of Classified Military Information.
5. The received Classified Military Information shall be accessible only to those persons who have a need-to-know and who have been security cleared in accordance with the relevant domestic laws of each Party.

Article 5

Transmission of Classified Military Information

1. The Classified Military Information shall be transmitted through diplomatic channels. The Receiving Party shall promptly confirm the receipt of the Classified Military Information in writing.
2. The Classified Military Information can be transmitted via secure systems and IT networks which have been authorized for such use pursuant to the domestic laws of the Parties. The Classified Military Information transmitted via IT networks shall be encrypted to a level agreed upon by the Parties.

Article 6

Reproduction and Translation of Classified Military Information

1. Reproduction of the Classified Military Information shall be carried out pursuant to the domestic laws of the Receiving Party. Reproduced Classified Military Information shall be marked with the same level of security protection as the original Classified Military Information. The number of copies shall be kept to the minimum required for official purposes.