

**No. 48449**

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**Spain  
and  
Estonia**

**Security Agreement on the protection of classified information between the Kingdom of Spain and the Republic of Estonia (with annex). Madrid, 11 November 2005**

**Entry into force:** *26 January 2007 by notification, in accordance with article 14*

**Authentic texts:** *English, Estonian and Spanish*

**Registration with the Secretariat of the United Nations:** *Spain, 9 March 2011*

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**Espagne  
et  
Estonie**

**Accord de sécurité pour la protection des informations classifiées entre le Royaume d'Espagne et la République d'Estonie (avec annexe). Madrid, 11 novembre 2005**

**Entrée en vigueur :** *26 janvier 2007 par notification, conformément à l'article 14*

**Textes authentiques :** *anglais, estonien et espagnol*

**Enregistrement auprès du Secrétariat des Nations Unies :** *Espagne, 9 mars 2011*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**SECURITY AGREEMENT**

**ON THE PROTECTION OF CLASSIFIED INFORMATION**

**between**

**THE KINGDOM OF SPAIN**

**and**

**THE REPUBLIC OF ESTONIA**

The Kingdom of Spain and the Republic of Estonia, hereafter referred to as the Parties, in order to safeguard the Classified Information exchanged directly between the Parties or through public entities or private companies.

Have agreed on the following provisions:

## **ARTICLE 1 APPLICABILITY**

- (1) This Agreement sets out procedures for the protection of Classified Information exchanged between the Parties and falling under the responsibility of the respective National Security Authorities.
- (2) This Agreement may not be invoked by either Party in order to obtain Classified Information that the other Party has received from a Third Party.

## **ARTICLE 2 DEFINITIONS**

For the purpose of this Agreement:

- (1) **"Classified Information"** means  
any information (namely knowledge that can be communicated in any form) or "material", determined to require protection against unauthorised disclosure which has been so designated by security classification.
- a) the term **"Material"** means any item or substance from which information can be derived. This includes "documents" and any item of machinery, equipment, weapon or weapon-systems either manufactured or in the process of manufacture,
- b) the term **"Document"** means any form of recorded information regardless of its physical form or characteristics, e.g. written or printed matter (inter alia letter, drawing, plan), computer storage media (inter alia fixed disk, diskette, chip, magnetic tape, CD), photograph and video recording, optical or electronic reproduction of them.
- (2) **"Contract"** means  
an agreement between two or more Contractors creating and defining enforceable rights and obligations between them.
- (3) **"Classified Contract"** means  
a contract which contains or involves Classified Information.
- (4) **"National Security Authority"** means  
the authority designated by a Party as being responsible for the implementation and supervision of this Agreement.
- (5) **"Contractor"** means  
a natural person or a legal entity possessing the legal capability to undertake Contracts.

- (6) **“Facility”** means  
an installation, plant, factory, laboratory, office, university or other educational institution or commercial premises (including any associated warehouse, storage areas, utilities and components which when related by function and location, form an operating entity) of a legal person, or any government department and establishment.
- (7) **“Originating Party”** means  
the Party initiating the Classified Information.
- (8) **“Receiving Party”** means  
the Party to which the Classified Information is transmitted.
- (9) **“Third Party”** means  
any international organisation or state that is not a Party to this Agreement.
- (10) **“Personnel Security Clearance”** means the document granted by the relevant authorities of the Parties to a person, that will allow the access to Classified Information, in accordance with the respective national laws and regulations;
- (11) **“Facility Security Clearance”** means the document proving that a legal person and its facilities have the physical and organisational capability to use and deposit Classified Information, in accordance with the national laws and regulations.
- (12) **“Need-to-know”** means that access to Classified Information may only be granted to a person who has a verified need to know such information in connection with his official and professional duties, within the framework of which the information was released to the Receiving Party.

### ARTICLE 3 SECURITY CLASSIFICATIONS

- (1) Classified Information shall be assigned one of the following equivalent security classification levels:

SPANISH	ENGLISH	ESTONIAN
SECRETO	TOP SECRET	TÄIESTI SALAJANE
RESERVADO	SECRET	SALAJANE
CONFIDENCIAL	CONFIDENTIAL	KONFIDENTSIAALNE
DIFUSIÓN LIMITADA	RESTRICTED	PIRATUD

- (2) The Receiving Party and/or entities from its State shall neither downgrade the classification nor declassify the received Classified Information without the prior written consent of the Originating Party. The Originating Party shall inform the Receiving Party of any changes in security classification of the transmitted information.
- (3) The Receiving Party shall mark the received Classified Information with its own equivalent security classification. Translations and reproductions shall be marked with the same security classification as the originals.

## **ARTICLE 4**

### **NATIONAL SECURITY AUTHORITIES**

- (1) The National Security Authorities responsible for the implementation and supervision of all aspects of this Agreement are:

**In the Kingdom of Spain:**

Secretary of State Director of the National Intelligence Centre  
National Security Office  
Avda. Padre Huidobro, s/n  
28023 Madrid  
SPAIN

**In the Republic of Estonia:**

National Security Authority  
Department of Security  
Ministry of Defence  
Republic of Estonia  
Sakala Str. 1  
15094 Tallinn  
ESTONIA

- (2) Each National Security Authority shall, on request, pass to the other National Security Authority information about its security standards and shall enable mutual visits by certified officials.

## **ARTICLE 5**

### **SECURITY PROTECTION**

- (1) In accordance with their national laws and regulations, both Parties shall take appropriate measures to protect Classified Information, which is transmitted, received, produced or developed as a result of any agreement or relation between the Parties or entities of their States. The Parties shall afford to all transmitted, produced or developed Classified Information the same degree of security protection as is provided for their own Classified Information of the equivalent level of classification, as defined in Article 3 of this Agreement.
- (2) On request, the National Security Authorities of the Parties, taking into account their national laws and regulations, shall assist each other during the vetting procedures of their citizens or facilities living or located in the territory of the other Party, preceding the issue of the Personnel Security Clearance and the Facility Security Clearance.
- (3) The Parties shall recognise the Personnel and Facility Security Clearance issued in accordance with the national laws and regulations of the other Party. The equivalent of the security clearances shall be in compliance with Article 3 of this Agreement.