

**No. 50403**

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**Switzerland  
and  
Denmark**

**Arrangement between the Federal Department of Defence, Civil Protection and Sport of the Swiss Confederation and the Ministry of Defence of the Kingdom of Denmark concerning the mutual protection of classified information. Bern, 25 April 2012, and Copenhagen, 31 May 2012**

**Entry into force:** *31 May 2012*

**Authentic text:** *English*

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**Suisse  
et  
Danemark**

**Accord entre le Département fédéral de la défense, de la protection de la population et des sports de la Confédération suisse et le Ministère de la défense du Royaume du Danemark concernant la protection réciproque des informations classifiées. Berne, 25 avril 2012, et Copenhague, 31 mai 2012**

**Entrée en vigueur :** *31 mai 2012*

**Texte authentique :** *anglais*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Suisse, 9 janvier 2013*

**ARRANGEMENT**

**between**

**THE FEDERAL DEPARTMENT OF DEFENCE, CIVIL  
PROTECTION AND SPORT OF THE  
SWISS CONFEDERATION**

**and**

**THE MINISTRY OF DEFENCE OF THE  
KINGDOM OF DENMARK**

**CONCERNING**

**THE MUTUAL PROTECTION OF  
CLASSIFIED INFORMATION**

## **Preamble**

The Federal Department of Defence, Civil Protection and Sport of the Swiss Confederation and the Ministry of Defence of the Kingdom of Denmark also referred to as the Parties for the purpose of this Arrangement have, in the interests of national security in the defence domain, established the following arrangements which are set out in this General Security Arrangement (GSA) wishing to ensure the protection of classified information concerning defence and military issues exchanged between the two ministries or between legal entities or individuals under the jurisdiction of the Parties.

### **1. DEFINITIONS**

1.1 The following terms are defined in the interests of clarity:

- **"Classified Information"** means any classified item, be it an oral or visual communication of classified contents or the electrical or electronic transmission of a classified message;
- **"Classified Material"** includes any classified item of machinery or equipment or weapons either manufactured or in the process of manufacture or document;
- **"Document"** means any letter, note, minute, report, memorandum, signal/message, sketch, photograph, film, map, chart, plan, notebook, stencil, carbon, typewriter ribbon, diskette etc or other form of recorded information (e.g. tape recording, magnetic recording, punched card, tape, etc);
- **"Contractor"** means an individual or legal entity possessing the legal capability to undertake contracts;
- **"Contract"** means an agreement between two or more parties creating and defining enforceable rights and obligations between the parties;
- **"Classified Contract"** means a Contract which contains or involves Classified Information;
- **"National Security Authority (NSA)/ Designated Security Authority (DSA)"** means the Government Authority responsible for Defence Security in each country;
- **"Originating Party"** means the Party releasing Classified Information to the Recipient Party;
- **"Recipient Party"** means the Party which receives the Classified Information from the Originating Party.

1.2 For the purpose of these provisions, the security classifications and their equivalents in the two countries will be limited to:

<u>IN SWITZERLAND</u>	<u>Corresponding English term</u>	<u>IN DENMARK</u>
GEHEIM/SECRET/ SEGRETO	SECRET	HEMMELIGT
VERTRAULICH/ CONFIDENTIEL/ CONFIDENZIALE	CONFIDENTIAL	FORTROLIGT
INTERN/ INTERNE/ AD USO INTERNO	RESTRICTED	TIL TJENESTEBRUG

As a general rule, the levels referred to above are to be considered as equivalent. For example a Swiss VERTRAULICH/CONFIDENTIEL/CONFIDENZIALE marked classified document transmitted to Denmark is to be handled, stored and located in a manner which will afford the same protection as that given to a Danish FORTROLIGT marked classified document. However, exceptionally either Party may ask the other to afford protection at a higher level but not at a lower level than the classification indicated.

## 2. NATIONAL SECURITY AUTHORITIES / DESIGNATED SECURITY AUTHORITIES

The Government Authorities responsible for the implementation of this Arrangement in each country are the following:

### FOR SWITZERLAND

Department of Defence, Civil Protection and Sport

Directorate for Information Security and Facility Protection (IOS)

CH-3003 Bern

SWITZERLAND

**FOR DENMARK**

Danish Defence Intelligence Service

Kastellet 30

DNK-2100 Copenhagen OE

DENMARK

**3. RESTRICTIONS ON USE AND DISCLOSURE**

- 3.1** Without express written consent the Recipient Party will not disclose or use, or permit the disclosure or use, of any Classified Information except for purposes and within any limitations stated by or on behalf of the Originating Party.
- 3.2** The Recipient Party will not pass or disclose to a Government official, Contractor, Contractor's employee or to any other person holding the nationality of any third country, or to any international organisation, any Classified Information, supplied under the provisions of this Agreement without the prior consultation of the Originating Party, nor will it publicly disclose any Classified Information without the prior written permission of the Originating Party. Furthermore, the Recipient Party will not disclose to any third party any information supplied in confidence, whether classified or not, without the prior consultation of the Originating Party.
- 3.3** Nothing in this Agreement will be taken as an authority for, or to govern the release, use, exchange or disclosure of information in which intellectual property rights exists, until the specific written authorisation of the owner of these rights has first been obtained, whether the owner is one of the Parties or a third party.
- 3.4** The exchange of Classified Information between the Intelligence Services of the two Parties shall not be subject of the present GSA.

**4. PROTECTION OF CLASSIFIED INFORMATION**

- 4.1** The Originating Party will ensure that the Recipient Party is informed of:
- (a) The security classification of the information and of any conditions of release or limitations on its use, and that documents are so marked.
- (b) Any subsequent change in security classification.
- 4.2** The Recipient Party will:
- (a) In accordance with its national laws and regulations, afford information received