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**United Nations
and
Romania**

Agreement between the United Nations and the Government of Romania on the mutual protection of the exchanged classified information with the office of the Ombudsperson established pursuant to Security Council Resolution 1904 (2009). New York, 15 June 2017

Entry into force: *10 December 2018 by notification, in accordance with article 13*

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**Organisation des Nations Unies
et
Roumanie**

Accord entre l'Organisation des Nations Unies et le Gouvernement de la Roumanie sur la protection mutuelle des informations classifiées échangées avec le Bureau du Médiateur établi en vertu de la Résolution 1904 (2009) du Conseil de sécurité. New York, 15 juin 2017

Entrée en vigueur : *10 décembre 2018 par notification, conformément à l'article 13*

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AGREEMENT BETWEEN

THE UNITED NATIONS

AND

THE GOVERNMENT OF ROMANIA

**ON THE MUTUAL PROTECTION OF THE EXCHANGED CLASSIFIED
INFORMATION WITH THE OFFICE OF THE OMBUDSPERSON
ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION
1904(2009)**

The United Nations and the Government of Romania (hereinafter referred to as “the Parties”);

Noting the mandate of the Office of the Ombudsperson to the ISIL (Da'esh) and Al-Qaida Sanctions Committee, pursuant to Security Council Resolution 2253 (2015), including in particular the information gathering and analysis functions described therein;

Recognizing that, in executing the mandate, the Ombudsperson is obliged to ask States to provide information relevant to the delisting request and that such information may be confidential or of classified nature;

With view to ensuring respect for the confidentiality of classified information;

Have agreed upon the following:

ARTICLE 1 OBJECTIVE

The objective of this Agreement is to ensure the protection of classified information that is exchanged between the Parties or between legal entities of the Parties. The purpose of the exchange of information is to assist the Office of the Ombudsperson to the ISIL (Da'esh) and Al-Qaida Sanctions Committee in achieving its mandate.

ARTICLE 2 DEFINITIONS

For the purposes of this Agreement:

a) “classified information” means any information of whatever form to which a security classification level has been assigned by either Party in accordance with its applicable legal provisions in order to ensure protection against any breach of security;

b) “applicable legal provisions” mean

- i. for the Government of Romania: all relevant laws and regulations of Romania, in particular Law no. 182 of 12 April 2002 regarding the protection of classified information;
- ii. for the United Nations: all relevant rules and regulations of the United Nations, in particular the 1946 Convention on the Privileges and Immunities of the United Nations, and the Secretary-General's bulletin of 12 February 2007 on information sensitivity, classification and handling (ST/SGB/2007/6);

c) “Security Classification Level” means a category which, according to the applicable legal provisions, indicates the importance of classified information and which determines certain restrictions of access to it, measures of protection and markings;

d) "breach of security" means any act or omission contrary to the applicable legal provisions for each Party which results or may result in access or potential access to classified information by unauthorized persons, unauthorized disclosure, misuse, damage, destruction or loss of classified information;

e) "originating Party" means the Government of Romania, or any other authorities and agencies of Romania, or the Office of the Ombudsperson which releases classified information;

f) "receiving Party" means the Government of Romania, or any other authorities and agencies of Romania, or the Office of the Ombudsperson which receives the classified information.

ARTICLE 3 EQUIVALENCE OF SECURITY CLASSIFICATION LEVELS

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

United Nations:	Romania:
STRICTLY CONFIDENTIAL	STRICT SECRET
STRICTLY CONFIDENTIAL	SECRET
CONFIDENTIAL	SECRET DE SERVICIU

ARTICLE 4 MARKING

(1) The receiving Party shall mark the classified information transmitted by the originating Party with its corresponding security classification level according to the equivalence stated in the Article 3.

(2) Reproductions and translations of the received Classified Information shall bear the appropriate security classification markings

(3) The security classification level shall only be altered or revoked by the originating Party. The receiving Party shall be informed in writing without delay about any alteration or revocation.

ARTICLE 5 PRINCIPLES OF THE PROTECTION OF CLASSIFIED INFORMATION

(1) The Parties shall take all appropriate measures in accordance with this Agreement and the applicable legal provisions for each Party to ensure the protection of the transmitted classified information and shall ensure the necessary control of this protection.

(2) The Parties shall afford to the received classified information at least the same level of protection as they afford to 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 and shall be made accessible:

(a) with regard to the Government of Romania: to persons authorized in accordance with the applicable legal provisions of Romania to have access to classified information of the equivalent security classification level requiring this access for the exercise of their duties;

(b) with regard to the United Nations: to the Ombudsperson *in person* exclusively for the purpose of executing the mandate of the Ombudsperson as specified in paragraph 54 of the Security Council Resolution 2253 (2015) and such other direction the Security Council may provide to the Ombudsperson.

(4) The Ombudsperson shall in the handling of received classified information comply at a minimum with the minimum standards as set out in the applicable legal provisions of UN, in particular Section 5 of the Secretary-General's bulletin (ST/SGB/2007/6).

(5) Any information, data or material, physically provided to the Ombudsperson shall be maintained in a combination safe. Any such information, data or material shall not at any time be removed from the Office of the Ombudsperson and shall be handled in a manner so as to preclude any unauthorized access to the same. The information, data and material shall not be stored or processed electronically by the Ombudsperson.

(6) Classified information shall not be disclosed, released, publicized, declassified or otherwise made accessible to a third party without prior written consent of the originating Party.

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

(8) The Ombudsperson shall not use a lower security classification level for the received classified information without the prior written consent of the originating Party.

ARTICLE 6 TRANSMISSION

Classified information shall be transmitted in hard copy through the Ministry of Foreign Affairs, the Permanent Mission of Romania to the United Nation in New York and the Ombudsperson. Receipt of classified information shall be acknowledged in writing.

ARTICLE 7 REPRODUCTION AND TRANSLATION