

LAW No. 423 of 25 October 2004  
on Romania's joining the Agreement between the Parties to the North  
Atlantic Treaty on the Security of Information, adopted in Brussels on  
6 March 1997

ISSUER: The PARLIAMENT

PUBLISHED IN: The Official Journal no. 993 of 28 October 2004

The Parliament of Romania adopts this law.

#### SINGLE ARTICLE

Romania joins the Agreement between the Parties to the North  
Atlantic Treaty on the Security of Information, adopted in Brussels on  
6 March 1997.

This law was adopted by the Parliament of Romania, with the  
observance of the provisions of Article 75 and Article 76 paragraph  
(2) of the Constitution of Romania, republished.

PRESIDENT OF THE CHAMBER OF DEPUTIES  
VALER DORNEANU

p. PRESIDENT OF THE SENATE  
MARIN DINU

Bucharest, 25 October 2004  
No. 423

## AGREEMENT

Between the Parties to the North Atlantic Treaty for the security of information

*The Parties to the North Atlantic Treaty, signed at Washington on 4th April, 1949;*

*Reaffirming that effective political consultation, cooperation and planning for defence in achieving the objectives of the Treaty entail the exchange of classified information among the Parties;*

*Considering that provisions between the Governments of the Parties to the North Atlantic Treaty for the mutual protection and safeguarding of the classified information they may interchange are necessary;*

*Realizing that a general framework for security standards and procedures is required;*

*Acting on their own behalf and on behalf of the North Atlantic Treaty Organization,*

*Have agreed as follows:*

### **Article 1**

The Parties shall:

(i) protect and safeguard:

(a) classified information (see *Annex I*), marked as such, which is originated by NATO (see *Annex II*) or which is submitted to NATO by a member state,

(b) classified information, marked as such, of the member states submitted to another member state in support of a NATO program, project, or contract,

(ii) maintain the security classification of information as defined under (i) above and make every effort to safeguard it accordingly;

(iii) not use classified information as defined under (i) above for purposes other than those laid down in the North Atlantic Treaty and the decisions and resolutions pertaining to that Treaty;

(iv) not disclose such information as defined under (i) above to non-NATO Parties without the consent of the originator.

## **Article 2**

Pursuant to Article 1 of this Agreement, the Parties shall ensure the establishment of a National Security Authority for NATO activities which shall implement protective security measures. The Parties shall establish and implement security standards which shall ensure a common degree of protection for classified information.

## **Article 3**

(1) The Parties shall ensure that all persons of their respective nationality who, in the conduct of their official duties, require or may have access to information classified CONFIDENTIAL and above are appropriately cleared before they take up their duties.

(2) Security clearance procedures shall be designed to determine whether an individual can, taking into account his or her loyalty and trustworthiness, have access to classified information without constituting an unacceptable risk to security.

(3) Upon request, each of the Parties shall cooperate with the other Parties in carrying out their respective security clearance procedures.

## **Article 4**

The Secretary General shall ensure that the relevant provisions of this Agreement are applied by NATO (see *Annex III*).

## **Article 5**

The present Agreement in no way prevents the Parties from making other Agreements relating to the exchange of classified information originated by them and not affecting the scope of the present Agreement.

## **Article 6**

(a) This Agreement shall be open for signature by the Parties to the North Atlantic Treaty and shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Government of the United States of America;

(b) This Agreement shall enter into force thirty days after the date of deposit by two signatory States of their instruments of ratification, acceptance or approval. It shall enter into force for each other signatory State thirty days after the deposit of its instrument of ratification, acceptance or approval.

(c) This Agreement shall, with respect to the Parties for which it entered into force, supersede the "Security Agreement by the Parties to the North Atlantic Treaty Organization" approved by the *North Atlantic Council* in Annex A (paragraph 1) to Appendix to Enclosure to D.C.2/7, on *19th April, 1952*, and subsequently incorporated in Enclosure "A" (paragraph 1) to C-M(55)15(Final), approved by the *North Atlantic Council* on *2nd March, 1955*.

## **Article 7**

This Agreement shall remain open for accession by any new Party to the North Atlantic Treaty, in accordance with its own constitutional procedures. Its instrument of accession shall be deposited with the government of the United States of America. It shall enter into force in respect of each acceding State thirty days after the day of the deposit of its instrument of accession.

## **Article 8**

The Government of the United States of America shall inform the Governments of the other Parties of the deposit of each instrument of ratification, acceptance, approval or accession.

## **Article 9**

This Agreement may be denounced by written notice of denunciation by any Party given to the depository which shall inform all the other Parties of such notice. Such denunciation shall take effect one year after receipt of notification by the depository, but shall not affect obligations already contracted and the rights or prerogatives previously acquired by the Parties under the provisions of this Agreement.

In witness whereof the undersigned, duly authorized to this effect by their respective Governments, have signed this Agreement.

Done in Brussels, this 6th day of March, 1997 in a single copy in the English and French languages, each text being equally authoritative, which shall be deposited in the archives of the Government of the United States of America and of which certified copies shall be transmitted by that Government to each of the other signatories.

## **ANNEX I**

This Annex forms an integral part of the Agreement.

NATO classified information is defined as follows:

(a) *information* means knowledge that can be communicated in any form;

(b) *classified information* means information or material determined to require protection against unauthorized disclosure which has been so designated by security classification;

(c) the word "*material*" includes documents and also any item of machinery or equipment or weapons either manufactured or in the process of manufacture;

(d) the word "*document*" means any recorded information regardless of its physical form or characteristics, including, without limitation, written or printed matter, data processing cards and tapes, maps, charts, photographs, paintings, drawings, engravings, sketches, working notes and papers, carbon copies and ink ribbons, or reproductions by any means or process, and sound, voice, magnetic or electronic or optical or video recordings in any form, and portable ADP equipment with resident computer storage media, and removable computer storage media.

## **ANNEX II**

This Annex forms an integral part of the Agreement.

For the purposes of the present Agreement, the term "*NATO*" denotes the North Atlantic Treaty Organization and the bodies governed either by the Agreement on the status of the North Atlantic Treaty Organization, National Representatives and International Staff, signed in Ottawa on 20th September, 1951 or by the Protocol on the status of International Military Headquarters set up pursuant to the North Atlantic Treaty, signed in Paris on 28th August, 1952.

## **ANNEX III**

This Annex forms an integral part of the Agreement.

Consultation takes place with military commanders in order to respect their prerogatives.