

LAW No. 272 of 22 December 2010

On the ratification of the Agreement between the Government of Romania and the Government of the Czech Republic on the Mutual Protection of the Exchanged Classified Information, signed in Bucharest on 31 March 2010

ISSUER: The PARLIAMENT

PUBLISHED IN: The Official Journal no. 10 of 5 January 2011

The Parliament of Romania adopts this law.

SINGLE ARTICLE

The Agreement between the Government of Romania and the Government of the Czech Republic on the Mutual Protection of the Exchanged Classified Information, signed in Bucharest on 31 March 2010 is ratified.

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
ROBERTA ALMA ANASTASE**

**p. PRESIDENT OF THE SENATE
TEODOR VIOREL MELESCANU**

Bucharest, 22 December 2010.
No. 272

AGREEMENT BETWEEN THE GOVERNMENT OF ROMANIA AND THE GOVERNMENT OF THE CZECH REPUBLIC ON MUTUAL PROTECTION OF THE EXCHANGED CLASSIFIED INFORMATION

The Government of Romania and the Government of the Czech Republic, hereinafter referred to as “the Parties”, wishing to ensure the protection of Classified Information exchanged between them or between legal public and private entities of their states have agreed, in mutual respect for national interests and security, upon the following:

ARTICLE 1 OBJECTIVE AND APLICABILITY

1. The objective of this Agreement is to ensure protection of Classified Information exchanged or jointly generated in the course of co-operation between the Parties, or between the legal public or private entities of their states.
2. This Agreement does not cover the exchange of information related to direct cooperation between intelligence services of the states of both Parties.

ARTICLE 2 DEFINITIONS

For the purpose of this Agreement:

- a) “**Classified Information**” means any information, document or material that, regardless of its form, under the legislation of the state of either Party, requires protection against unauthorised disclosure or destruction, misappropriation, damage or loss, and has been designated as such;
- b) “**Classified Contract**” means a contract that contains or involves access to Classified Information;
- c) “**Originating Party**” means the Party including legal public and private entities of the state of the respective Party, which generates and releases Classified Information;
- d) “**Recipient Party**” means the Party including legal public and private entities of the state of the respective Party, which receives Classified Information;

e) “**Breach of Security**” means an act or omission contrary to national legislation which results or may result in unauthorized disclosure or destruction, misappropriation, damage or loss of Classified Information;

f) “**Third Party**” means any state including legal public and private entities under its jurisdiction or international organisation that is not a party to this Agreement.

ARTICLE 3 NATIONAL SECURITY AUTHORITIES

1. National Security Authorities responsible at national level for the implementation of this Agreement are:

In Romania:

Guvernul României

Oficiul Registrului Național al Informațiilor Secrete de Stat

Str. Mure nr.4 sect.1

București

ROMÂNIA

In the Czech Republic:

Národní bezpečnostní úřad

Na Popelce 2/16

Praha 56

ČESKÁ REPUBLIKA

2. The National Security Authorities shall notify each other about any relevant changes in official contact details.

ARTICLE 4 SECURITY CLASSIFICATION LEVELS

The equivalence of national security classification levels is as follows:

In Romania	In the Czech Republic	In English
STRICT SECRET DE IMPORTAN DEOSEBIT	P ÍSN TAJNÉ	TOP SECRET
STRICT SECRET	TAJNÉ	SECRET
SECRET	D V RNÉ	CONFIDENTIAL
SECRET DE SERVICIU	VYHRAZENÉ	RESTRICTED

ARTICLE 5 ACCESS TO CLASSIFIED INFORMATION

Access to Classified Information exchanged under this Agreement shall be granted in accordance with the legislation of the state of the respective Party only to duly authorised individuals, whose duties, work, functions or services necessarily require such access.

ARTICLE 6 RULES FOR THE PROTECTION OF CLASSIFIED INFORMATION

1. The Recipient Party shall take appropriate measures to protect the received Classified Information.
2. The Recipient Party shall afford the same degree of protection to the received Classified Information as afforded to its national Classified Information of equivalent security classification level according to Article 4.
3. The Recipient Party shall neither use a lower security classification level nor declassify the received Classified Information without the prior written consent of the Originating Party.
4. The Recipient Party shall use Classified Information only for the purpose for which it has been released. The Originating Party may impose special requirements for the release of Classified Information.

5. The Recipient Party shall not release Classified Information to a Third Party without the prior written consent of the Originating Party.

6. The Originating Party shall inform the Recipient Party of any changes in the security classification of the released Classified Information.

ARTICLE 7 SECURITY CO-OPERATION

1. In order to maintain comparable standards of security, the National Security Authorities shall, on request, inform each other of the national security standards, procedures and practices for the protection of Classified Information.

2. The National Security Authorities may conclude security arrangements on specific technical aspects concerning the implementation of this Agreement.

3. On request, in accordance with their national legislations, the Parties shall assist each other during the personnel and facility security clearance procedures.

4. The Parties shall mutually recognise their personnel and facility security clearance certificates, issued in accordance with the respective national legislation. The recognized personnel and facility security clearance certificates shall enable access to Classified Information of the corresponding security classification level according to Article 4.

5. National Security Authorities shall promptly notify each other about changes in recognised personnel and facility security clearance certificates especially in cases of their revocation.

6. The Parties shall mutually recognise their certification of information and communication systems used for storage and processing of the received Classified Information. In case of interconnection, the cryptographic solution for the exchange of Classified Information shall be mutually agreed upon by the Parties.

7. The co-operation under this Agreement shall be effected in English.

ARTICLE 8 CLASSIFIED CONTRACTS

1. On request, the National Security Authorities shall confirm that the proposed contractors as well as the individuals participating in pre-contractual negotiations or in the implementation of Classified Contracts have appropriate security clearance certificates.
2. Each Party shall carry out security inspections at facilities located on the territory of its state, to ensure continuing compliance with the security standards for the protection of the Classified Information, according to its national legislation.
3. Classified Contracts shall contain a Security aspects letter identifying the security requirements and including the listing of Classified Information and their security classification levels. A copy of the Security aspects letter shall be forwarded to the National Security Authority of the Party on whose state territory the Classified Contract is to be implemented.
4. In case of classified sub-contracts, the provisions above shall apply accordingly.

ARTICLE 9 TRANSMISSION OF CLASSIFIED INFORMATION

Classified Information shall be transmitted through diplomatic or military channels or by other means agreed between the National Security Authorities.

ARTICLE 10 REPRODUCTION, TRANSLATION AND DESTRUCTION OF CLASSIFIED INFORMATION

1. All reproductions and translations of Classified Information shall bear appropriate security classification markings and shall be protected as the original Classified Information. The number of reproductions shall be limited to the minimum needed.
2. All translations shall contain a note in the language of translation indicating that they contain Classified Information of the Originating Party.

3. Classified Information marked as STRICT SECRET DE IMPORTANT DEOSEBIT / P ÍSN TAJNÉ shall be translated or reproduced only upon the prior written consent of the Originating Party.

4. Classified Information marked as SECRET/D V RNÉ and above shall be destroyed only upon the prior written consent of the Originating Party.

5. Classified Information marked as STRICT SECRET DE IMPORTANT DEOSEBIT / P ÍSN TAJNÉ shall not be destroyed and shall be returned to the Originating Party.

ARTICLE 11 VISITS

1. The request for visit requiring access to Classified Information shall be submitted through the National Security Authorities, unless otherwise agreed between them.

2. The request for visit shall be submitted at least thirty days before the visit. In urgent cases, the request for visit may be submitted at a shorter notice, subject to prior co-ordination between the National Security Authorities.

3. The request for visit shall include:

a) first and last name of the visitor, date and place of birth, nationality and passport/ID card number;

b) position of the visitor and specification of the facility, which the visitor represents;

c) confirmation of the personnel security clearance certificate, its validity and the security classification level of the information the visitor is authorized to have access to;

d) date and duration of the visit and in case of recurring visits the total period of time;

e) purpose of the visit including the highest security classification level of the information to be accessed;

f) name, address, phone and fax number, e-mail address and point of contact of the facility to be visited;

g) date, signature and stamping of the official seal of the National Security Authority.

4. The National Security Authorities may agree on a list of visitors entitled to recurring visits. The list shall be valid for a period not exceeding twelve months.

5. Further details of the recurring visits may be subject to the co-ordination between the National Security Authorities.

ARTICLE 12 BREACHES OF SECURITY

1. The Parties shall promptly inform each other in writing of any Breach of Security or suspicion of such a breach.

2. Any Breach of Security investigation shall be performed without delay in accordance with the national legislation of the Party on whose state territory it occurred. If required, National Security Authorities shall co-operate in the investigation.

3. The National Security Authority of the Party on whose state territory the breach of security occurred shall inform in writing the National Security Authority of the other Party about its circumstances, the extent of the damage, the measures adopted for its mitigation and the outcome of the investigation.

ARTICLE 13 EXPENSES

The Parties shall bear their own expenses incurred in the course of the implementation of this Agreement.

ARTICLE 14 INTERPRETATION AND DISPUTES

Any dispute regarding the interpretation or application of this Agreement shall be settled by negotiation between the Parties and shall not be referred to any national or international court or Third Party for settlement.

ARTICLE 15 FINAL PROVISIONS

1. This Agreement is concluded for an indefinite period of time. This Agreement shall enter into force on the first day of the second month following the date of receipt of the last of the notifications between the Parties, sent through diplomatic channels, that the internal legal procedures for this Agreement to enter into force have been fulfilled.
2. This Agreement may be amended on the basis of the mutual consent of the Parties. Such amendments shall enter into force in accordance with paragraph 1.
3. On the date of entry into force of this Agreement, the Arrangement between the Ministry of National Defence of Romania and the Ministry of Defence of the Czech Republic concerning the protection of military Classified Information signed in Bucharest on 17 July 2000 shall be terminated. All Classified Information released under said Arrangement shall be protected in accordance with the provisions of this Agreement.
4. Each of the Parties is entitled to terminate this Agreement in writing at any time. In such a case, the validity of this Agreement shall expire after six months following the day on which the other Party receives the written notice of the termination.
5. Regardless of the termination of this Agreement, all Classified Information released or generated under this Agreement shall be protected in accordance with the provisions set forth herein until the Originating Party dispenses the Recipient Party from this obligation.

In witness of which, the undersigned, duly authorised to this effect, have signed this Agreement.

Done in _____ on _____ in two originals,
in the Romanian, Czech and English languages, all texts being equally
authentic. In case of different interpretation the English text shall prevail.

**FOR THE GOVERNMENT
OF ROMANIA**

**FOR THE GOVERNMENT
OF THE CZECH REPUBLIC**