

AGREEMENT

BETWEEN

**THE GOVERNMENT
OF THE CZECH REPUBLIC**

AND

**THE GOVERNMENT
OF THE REPUBLIC OF LITHUANIA**

CONCERNING

**THE MUTUAL PROTECTION OF CLASSIFIED
INFORMATION**

**The Government of the Czech Republic
and
the Government of the Republic of Lithuania**
(hereinafter referred to as "the Parties")

Taking into account the need for a regulation concerning the mutual protection of exchanged classified information,

Willing to ensure the safety of all classified information, which has been marked as such in accordance with national legal regulations and which has been transferred to the other Party in accordance with the requirements of public or state administration or within the scope of co-operation agreements, contracts and orders concluded between institutions, legal entities and natural persons of both countries,

Have agreed as follows:

**Article 1
Terms**

- (1) For the purpose of the Agreement the term "classified information" shall be understood to mean information or material, regardless of their physical form or carrier, which shall be classified and protected in compliance with national legal regulations.
- a) The term "information" means all kinds of knowledge which can be communicated in any form.
- b) The term "material" shall be understood to mean all types of objects including documents and also any items of machinery or equipment or weapons either manufactured or in the process of manufacture.
- (2) "Designated person" is a person who has been appropriately security cleared or a person for whom the law does not require the security clearance procedure to be carried out and who has been designated by a pertinent authority of his parent nation to have access to classified information or who has been designated to have access to classified information under the law. Designated persons shall have access to classified information only in cases they have a "need-to-know".
- (3) The term "respective authorities" shall be understood to mean the authorities of the Parties which, in accordance with national legal regulations, ensure the protection of classified information.
- (4) "Third party" is a third country, an international organisation or a third company.
- (5) "Contract" is a legally enforceable agreement to provide goods or services involving classified information.
- (6) "Contractor" is a legal entity or a natural person possessing the legal capability to conclude a contract.

Article 2 Equivalence

(1) For the Czech Republic, classified information is marked VYHRAZENÉ (RESTRICTED), DŮVĚRNÉ (CONFIDENTIAL), TAJNÉ (SECRET), PŘÍSNĚ TAJNÉ (TOP SECRET). For the Republic of Lithuania, classified information is marked RIBOTO NAUDOJIMO (RESTRICTED), KONFIDENCIALIAI (CONFIDENTIAL), SLAPTAI (SECRET), VISIŠKAI SLAPTAI (TOP SECRET).

(2) The Czech Party will protect:

- (a) Lithuanian classified information RIBOTO NAUDOJIMO as Czech classified information VYHRAZENÉ;
- (b) Lithuanian classified information KONFIDENCIALIAI as Czech classified information DŮVĚRNÉ;
- (c) Lithuanian classified information SLAPTAI as Czech classified information TAJNÉ;
- (d) Lithuanian classified information VISIŠKAI SLAPTAI as Czech classified information PŘÍSNĚ TAJNÉ.

(3) The Lithuanian Party will protect:

- (a) Czech classified information VYHRAZENÉ as Lithuanian classified information RIBOTO NAUDOJIMO;
- (b) Czech classified information DŮVĚRNÉ as Lithuanian classified information KONFIDENCIALIAI;
- (c) Czech classified information TAJNÉ as Lithuanian classified information SLAPTAI;
- (d) Czech classified information PŘÍSNĚ TAJNÉ as Lithuanian classified information VISIŠKAI SLAPTAI.

Article 3 Marking

(1) The released classified information shall be assigned a corresponding national security classification marking by or at the instance of the respective authority of the state of the recipient, in accordance with Article 2 of this Agreement.

(2) The degree of classification will be changed or revoked by the respective authority of the state of the recipient only by a written request of the respective authority of the state of the originator. The change or revocation of a classification degree is to be notified to the respective authority of the state of the recipient by the respective authority of the originating Party immediately after such change or revocation has occurred.

Article 4 National Arrangements

(1) The Parties shall undertake within the national law all necessary steps to ensure the protection of classified information which is to be transferred pursuant to this Agreement or to which a contractor gains access under a contract involving classified information.

(2) All classified information transmitted before this Agreement enters into force is to be protected in compliance with its provisions.

(3) The Parties will not release the received classified information to a third party without prior written approval of the originator. Such classified information can be used only for the specified purpose and access to it shall be granted only to designated persons who require to be acquainted with the information in order to perform their duties. No other individual is entitled solely by virtue of rank or appointment or personnel security clearance to have access to classified information.

Article 5 Pursuance of Contracts

(1) Should a contract be concluded with a contractor registered in the state of the other Party, a security assurance from the respective authority of the state of the contractor should be obtained in advance that the proposed contractor has a security clearance corresponding to the required classification degree and has implemented appropriate security measures to ensure the safety of classified information.

(2) The respective authority of the state of the contractor releasing the classified information is responsible for ensuring that each piece of classified information, which has been either released to the contractor from the state of the other Party or generated in connection with a contract, has been assigned a security classification marking. The respective authority of the state of the contractor releasing the classified information will provide the respective authority of the state of the other contractor with a list of exchanged classified information.

(3) The respective authority of the state of the contractor receiving the classified information shall confirm the receipt of the list of exchanged classified information (according to paragraph 2 of this Article) in writing and forward its copy to the contractor.

Article 6 Transmission of classified information

(1) Usually, classified information is to be transmitted from the state of a Party to the state of the other Party by means of diplomatic channels.

(2) The respective authorities are entitled to approve – in connection with a specific case – transmission of classified information by other means than diplomatic channels.

(3) In cases described in paragraph 2 of this Article the following requirements are to be met:

(a) the forwarder is obliged to comply with national legal regulations concerning the protection of classified information;

- (b) the releasing entity shall retain a list of classified information being transmitted and a copy of this list shall be provided to the recipient who is to forward it to the respective authority;
 - (c) the classified information shall be wrapped and sealed in compliance with regulations concerning internal transmission;
 - (d) the hand over of classified information is to be confirmed in writing.
 - (e) if necessary, the respective authority of the releasing entity shall provide the forwarder with shipping documents, which the representative of the forwarder executing the transmission is to carry with him;
 - (f) if possible, the respective authorities inform each other in advance about identity of each representative of a forwarder executing the transmission.
- (4) If transmission of a large quantity of classified information is required, the respective authorities may mutually agree on and approve the means of transportation, the route and security escort for each such case.
- (5) Electromagnetic transmission of classified information shall be carried out entirely in encrypted form, utilising cryptographic means and devices approved by the respective authorities.
- (6) It is possible to transmit classified information marked VYHRAZENÉ/RIBOTO NAUDOJIMO to a recipient in the state of the other Party by a postal service.

Article 7 Translation and Reproduction

- (1) All translation and reproduction of classified information shall be carried out by designated persons.
- (2) Translated and reproduced classified information shall bear security classification markings accordant with the security classification markings of the original and a notation in the language into which it is translated indicating that it contains classified information of the originating Party: "Contains classified information the Czech Republic/the Republic of Lithuania."
- (3) When classified information is reproduced, all original security markings thereon shall also be reproduced. The number of copies shall be limited to that inevitably required.
- (4) Classified information containing PŘÍSNĚ TAJNÉ/VISIŠKAI SLAPTAI information shall be allowed for translation and copying only on the basis of a written permission the respective authority of the state of the originator.

Article 8 Destruction

- (1) Carriers of classified information shall be destroyed in such a manner so as to prevent reconstruction of classified information.
- (2) Classified equipment shall be destroyed beyond recognition or modified so as to prevent its reconstruction in whole or in part.
- (3) The PŘÍSNĚ TAJNÉ/VISIŠKAI SLAPTAI information shall not be destroyed by the recipient – it shall be returned to the respective authority of the state of the originator.

Article 9 Visits

- (1) Where access to classified information of the state of the other Party is required in the course of a one-time visit (up to 30 days) or recurring/long-term visit (up to one year), an authorisation for visit must be obtained from the respective authority of the state of that Party.
- (2) An application for visit shall be sent to the respective authority of the country of the entity to be visited at least 10 working days in advance. In exceptional circumstances this notice period can be shortened provided the respective authorities have agreed upon that in advance. The respective authorities of the states of both Parties shall exchange detailed information concerning the reported visits and shall ensure the protection of personal data.
- (3) An application for visit shall contain the following details:
 - (a) each visitor's name and surname, date and place of birth and passport number;
 - (b) visitor's service identification and the name of the represented authority or entity;
 - (c) visitor's citizenship;
 - (d) level of visitor's security clearance as well as the scope of authorisation for access to classified information;
 - (e) purpose of the visit and the assumed date of arrival and departure;
 - (f) details on the entity, related partners and installations to be visited.
- (4) The respective authorities of the states of the Parties shall permit the respective authorities of the state of the other Party to conduct visits to their territories for the purpose of negotiations concerning the methods and means of protection of classified information and in order to enable checks on the protection of transmitted classified information. The respective authorities of the states of the Parties shall co-operate in determining whether the transmitted classified information is afforded sufficient protection.

Article 10**Violation of legal regulations concerning the protection of classified information**

(1) If a violation of legal regulations concerning the protection of classified information, which could result in loss or disclosure or possible loss or disclosure of such information released from the state of the other Party, is presumed, occurs or if classified information is endangered or is subject to compromise by any other way, the respective authority of the state of the other Party shall be informed immediately.

(2) Violations of legal regulations dealing with the protection of classified information shall be resolved by the competent authorities of the country of the entity responsible for the protection of the classified information, in accordance with its national legal regulations. Results are to be reported to the respective authority of the state of the other Party.

Article 11**Expenses**

No expenses incurred to one of the Parties in connection with the implementation of this Agreement are to be endowed by the other Party.

Article 12**Respective Authorities**

(1) The respective authorities of the states of the Parties, which co-ordinate the co-operation pursuant to this Agreement, are:

In the Czech Republic:

Národní bezpečnostní úřad (The National Security Authority)
P.O. box 2100
160 49 Praha 6

In the Republic of Lithuania:

Lietuvos Respublikos paslapčių apsaugos koordinavimo komisija (The Permanent Commission For Secrets Protection Co-ordination Of The Republic Of Lithuania).
Vytenio g. 1
2600 Vilnius

(2) In accordance with national legal regulations, supplemental executive arrangements under this Agreement may be concluded by authorities of the states of the Parties.

Article 13
Consultations

- (1) The respective authorities of the states of the Parties shall inform each other of the legislation in force in their territory regulating the protection of classified information.
- (2) In order to ensure close co-operation in the implementation of the Agreement, the respective authorities of the states of the Parties provide mutual consultations as requested.

Article 14
Final provisions

- (1) This Agreement is subject to approval in accordance with national legal procedures of each of the Parties and shall enter into force on the first day of the second month following the exchange of notifications between the Parties to the effect that the necessary requirements set by internal legal regulations for this Agreement to enter into force have been met.
- (2) This Agreement is concluded for an unlimited period of time.
- (3) Any dispute regarding the interpretation or implementation of this Agreement shall be resolved by negotiations between the respective authorities of the states of the Parties.
- (4) Amendments to this Agreement may be made in written, subject to mutual consent of the Parties.
- (5) Each of the Parties is entitled to terminate the Agreement in writing. In such case, the validity of the Agreement will expire after six months following the day on which the termination notice was served to the other Party. Despite of the termination of the Agreement, all classified information exchanged pursuant to this Agreement or generated by the contractor shall continue to be handled in accordance with the provisions set forth in this Agreement as long as it is required by its classification and nature.

Done in Vilnius on September 19, 2000 in two originals consisting of text in Czech, Lithuanian and English languages, all three texts being equally authentic. In case of different interpretation the English version of the Agreement shall prevail.

**For the Government
of the Czech Republic**



**For the Government
of the Republic of Lithuania**

