

Ε.Ε. Παρ. Ι(III)
Αρ. 4171, 17.12.2012

Ο περί της Συμφωνίας μεταξύ της Κυβέρνησης της Κυπριακής Δημοκρατίας και της Κυβέρνησης του Μαυροβουνίου για την Αμοιβαία Προστασία Διαβαθμισμένων Πληροφοριών (Κυρωτικός) Νόμος του 2012 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 35(III) του 2012

ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗ ΣΥΜΦΩΝΙΑ ΜΕΤΑΞΥ ΤΗΣ ΚΥΒΕΡΝΗΣΗΣ ΤΗΣ
ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ ΚΑΙ ΤΗΣ ΚΥΒΕΡΝΗΣΗΣ ΤΟΥ
ΜΑΥΡΟΒΟΥΝΙΟΥ ΓΙΑ ΤΗΝ ΑΜΟΙΒΑΙΑ ΠΡΟΣΤΑΣΙΑ ΔΙΑΒΑΘΜΙΣΜΕΝΩΝ
ΠΛΗΡΟΦΟΡΙΩΝ

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

Συνοπτικός
τίτλος.

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Συμφωνίας μεταξύ της Κυβέρνησης της Κυπριακής Δημοκρατίας και της Κυβέρνησης του Μαυροβουνίου για την Αμοιβαία Προστασία Διαβαθμισμένων Πληροφοριών (Κυρωτικός) Νόμος του 2012.

Ερμηνεία.

2. Στον παρόντα Νόμο -

«Συμφωνία» σημαίνει τη Συμφωνία μεταξύ της Κυβέρνησης της Κυπριακής Δημοκρατίας και της Κυβέρνησης του Μαυροβουνίου για την Αμοιβαία Προστασία Διαβαθμισμένων Πληροφοριών, η διαπραγμάτευση της οποίας έγινε δυνάμει της Απόφασης του Υπουργικού Συμβουλίου με αριθμό 2/2009 και ημερομηνία 20.05.2009 και η οποία υπογράφηκε στις 14.03.2012, δυνάμει Απόφασης του Υπουργικού Συμβουλίου με αριθμό 7/2011 και ημερομηνία 20.05.2011.

Κύρωση της
Συμφωνίας.
Πίνακας.
Μέρος I.
Μέρος II.
Μέρος III.

3. Με τον παρόντα Νόμο κυρώνεται η Συμφωνία, το κείμενο της οποίας εκτίθεται στην Αγγλική γλώσσα στο Μέρος I του Πίνακα, στην Ελληνική γλώσσα στο Μέρος II του Πίνακα και στη Μαυροβουνιακή γλώσσα στο Μέρος III του Πίνακα:

Νοείται ότι σε περίπτωση αντίφασης ή διαφοράς μεταξύ του κειμένου του Μέρους I του Πίνακα και του κειμένου του Μέρους II ή του Μέρους III του Πίνακα, υπερισχύει το κείμενο του Μέρους I.

ΠΙΝΑΚΑΣ
(Άρθρο 3)

Μέρος Ι

AGREEMENT

Between the Government of the Republic of Cyprus and
the Government of Montenegro on the
Mutual Protection of Classified Information

AGREEMENT

Between the Government of the Republic of Cyprus and
the Government of Montenegro
on the Mutual Protection of Classified Information

The Government of the Republic of Cyprus and the Government of Montenegro hereinafter referred to as "Parties".

Having due regard for guaranteeing the mutual protection of all information which has been classified pursuant to the internal laws of either Party and transmitted to the other Party.

Being guided by creation of regulation in the scope of the mutual protection of Classified Information, which is to be binding in relation to all mutual cooperation connected with the exchange of Classified Information.

Have agreed as follows:

Article 1

Definitions

For the purpose of this Agreement:

1. "Addressee" - means the competent Authority receiving the classified Information.
2. "Competent Authorities" - means bodies authorized to transmit, receive, store, protect and use Classified Information in accordance with the internal law of their Party, including the Competent Security Authorities;
3. "Competent Security Authorities" - means state authorities, which are competent for the protection of Classified Information, as these authorities are referred to in Article 3 Paragraph 1 of this Agreement.
4. "Contractor" - means an individual, a legal entity or an organizational unit, which has legal capacity to conclude contracts;
5. "Classified Contract" - means an agreement regulating enforceable rights and obligations between the bodies concluding the agreement, the performance of which involves access to Classified Information or originating of such information;
6. "Classified Information" - means any information irrespective of the form, carrier and manner of recording thereof and objects or any part of thereof, which require protection against unauthorized disclosure in accordance with the internal law of each Party and which has been so designated by a security classification marking.

7. "Principal" - means a body, which intends to conclude or concludes a Classified Contract in the territory of the State of the other Party.

Article 2

The Categorization of Classified Information

1. Classified Information is granted a security classification level in accordance to its content, pursuant to the internal laws of each Party. Received Classified Information shall be granted equivalent security classification level, according to the provisions of Paragraph 4.

2. The obligation referred to in Paragraph 1 shall also apply to Classified information generated as a result of mutual co-operation between the Parties or the Competent Authorities, including this originated in connection with the performance of the Classified Contract.

3. The security classification level shall be changed or removed only by the Competent Authority, which has granted it. The addressee shall be immediately notified on every change or removal of security classification level.

4. The Parties agree that the following security classification levels are equivalent:

Republic of Cyprus	Montenegro	English Equivalent
ΑΚΡΩΣ ΑΠΟΡΡΗΤΟ	STROGO TAJNO	TOP SECRET
ΑΠΟΡΡΗΤΟ	TAJNO	SECRET
ΕΜΠΙΣΤΕΥΤΙΚΟ	POVJERLJIVO	CONFIDENTIAL
ΠΕΡΙΟΡΙΣΜΕΝΗΣ ΧΡΗΣΗΣ	INTERNO	RESTRICTED

Article 3

Competent Security Authorities

1. For the purpose of this Agreement, the Competent Security Authorities shall be:

- a. for the Republic of Cyprus: the National Security Authority
- b. for Montenegro: Directorate for protection of classified information.

2. The Competent Security Authorities may conclude implementation agreements for the purpose of the implementation of the provisions hereof.

Article 4

Principles of Classified Information Protection

1. In accordance with this Agreement and their internal laws, the Parties shall adopt appropriate measures aimed at the protection of Classified Information which is transmitted or originated as a result of mutual co-operation between both Parties or the Competent Authorities, including this originated in connection with the performance of a Classified Contract.
2. The Parties shall provide for the information referred to in paragraph 1 at least the same protection as applicable to their own Classified Information under the relevant security classification level, pursuant to Article 2 Paragraph 4.
3. Received Classified Information shall be used exclusively for the purposes defined at the transmission thereof.
4. Either Party shall not release the information referred to in paragraph 1 to any third parties or other organization or body without a prior written consent of the Competent Authority of the other Party, which granted adequate security classification level.
5. The Competent Authorities shall ensure necessary control over Classified Information protection.
6. Received Classified Information shall be accessible only to those persons who have a need-to-know, who have been security cleared and who have been authorized to have access to such information as well as briefed in the scope of Classified Information protection according to the internal laws of their Party.

Article 5

Classified Contracts

1. The Principal may conclude a Classified Contract with the Contractor located in the state territory of one of the Parties.
2. In the case referred to in Paragraph 1, the Principal shall submit a request to the Competent Security Authority of its Party to ask the Competent Security Authority of the other Party for issuing a written assurance that the Contractor is authorized to have access to Classified Information of the specified security classification level.
3. The issuing of the assurance referred to in Paragraph 2 shall be the amount to a guarantee that the Contractor fulfils the criteria in the scope of the protection of Classified Information, as specified in the internal laws of the Party in whose territory the Contractor is located.
4. If the Contractor has not been previously authorized to have access to Classified Information of the specified security classification level, the Competent Security Authority which is to issue the assurance, shall immediately notify the