

Ο περί της Συμφωνίας μεταξύ της Κυβέρνησης της Κυπριακής Δημοκρατίας και της Κυβέρνησης της Ρουμανίας για την Αμοιβαία Προστασία Διαβαθμισμένων Πληροφοριών (Κυρωτικός) Νόμος του 2015 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 7(ΙΙΙ) του 2015

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

Προοίμιο. ΕΠΕΙΔΗ στις 31 Οκτωβρίου 2014 υπογράφηκε στη Λευκωσία Συμφωνία μεταξύ της Κυβέρνησης της Κυπριακής Δημοκρατίας και της Κυβέρνησης της Ρουμανίας για την Αμοιβαία Προστασία Διαβαθμισμένων Πληροφοριών· και

ΕΠΕΙΔΗ το Υπουργικό Συμβούλιο με την Απόφασή του υπ' αριθμό 2/2009 και ημερομηνίας 20.5.2009 ενέκρινε την έναρξη διαπραγματεύσεων για σύναψη της εν λόγω Συμφωνίας· και

ΕΠΕΙΔΗ το Υπουργικό Συμβούλιο με την Απόφασή του υπ' αριθμό Ε76.734 στη συνεδρία του ημερομηνίας 9.4.2014, αποφάσισε να εξουσιοδοτήσει τον Υπουργό Εξωτερικών να υπογράψει την εν λόγω Συμφωνία·

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 της Ρουμανίας για την Αμοιβαία Προστασία Διαβαθμισμένων Πληροφοριών (Κυρωτικός) Νόμος του 2015.

Ερμηνεία. 2. Στον παρόντα Νόμο, εκτός εάν από το κείμενο προκύπτει διαφορετική έννοια -

«Συμφωνία» σημαίνει τη Συμφωνία μεταξύ της Κυβέρνησης της Κυπριακής Δημοκρατίας και της Κυβέρνησης της Ρουμανίας για την Αμοιβαία Προστασία Διαβαθμισμένων Πληροφοριών, η σύναψη της οποίας εγκρίθηκε με τις Αποφάσεις του Υπουργικού Συμβουλίου με αρ. 2/2009 και ημερομηνία 20.5.2009 και με αρ. Ε76.734 και ημερομηνία 9.4.2014 και η οποία, εν συνεχεία, υπογράφηκε στη Λευκωσία στις 31 Οκτωβρίου 2014.

Κύρωση της Συμφωνίας. 3. Με τον παρόντα Νόμο κυρώνεται η Συμφωνία, τα πρωτότυπα κείμενα της οποίας εκτίθενται στην αγγλική γλώσσα στο Μέρος Ι του Πίνακα, στην ελληνική γλώσσα στο Μέρος ΙΙ του Πίνακα και στη ρουμανική γλώσσα στο Μέρος ΙΙΙ του Πίνακα:

Πίνακας.  
Μέρος Ι,  
Μέρος ΙΙ,  
Μέρος ΙΙΙ.

Νοείται ότι, σε περίπτωση διαφοράς μεταξύ των κειμένων που εκτίθενται στον Πίνακα, υπερισχύει το κείμενο που εκτίθεται στην αγγλική γλώσσα στο Μέρος Ι αυτού.

Αρμόδια αρχή για την εφαρμογή της Συμφωνίας. 4. Ως αρμόδια αρχή για την εφαρμογή της Συμφωνίας, καθορίζεται ο Υπουργός Άμυνας.

ΠΙΝΑΚΑΣ  
(Άρθρο 3)

Μέρος Ι  
(Αγγλική γλώσσα)

Agreement between the Government of the Republic of Cyprus and the  
Government of Romania on Mutual Protection of Classified Information

The Government of the Republic of Cyprus and the Government of Romania, hereinafter referred to as "the Parties",

Recognizing the need to set rules on protection of Classified Information mutually exchanged within the scope of political, military, economical, legal, scientific and technological or any other cooperation, as well as Classified Information generated in the process of such cooperation,

Intending to ensure the mutual protection of all Classified Information, which has been classified by one Party and transferred to the other Party or commonly generated in the course of cooperation between the Parties,

Considering the mutual interests in the protection of Classified Information, in accordance with the legislation of the Parties,

Have agreed as follows:

Article 1  
Objective and Scope

1. The objective of this Agreement is to ensure the protection of Classified Information that is commonly generated or exchanged in the process of cooperation between the Parties or between legal entities of the states of the Parties, in accordance with their respective national legislation.
2. This Agreement is applicable to any activity involving the exchange of Classified Information, conducted or to be conducted between the Parties or between legal entities of the states of the Parties.

Article 2  
Definitions

For the purposes of this Agreement:

- a) "Breach of Security" means an act or an omission which is contrary to this Agreement or to the national legislation of the Parties, the result of which may lead to disclosure, loss, destruction, misappropriation or any other type of compromise of Classified Information;
- b) "Classified Contract" means an agreement between two or more Contractors, which contains or the implementation of which requires access to or generates Classified Information;
- c) "Classified Information" means any information, irrespective of its form or nature, which requires protection against unauthorised access, has been classified and so designated by a security classification level, in accordance with the national legislation of the Parties;

- d) "Contractor" means an individual or a legal entity possessing the legal capacity to conclude contracts;
- e) "Facility Security Certificate" means a document issued by the National Security Authority and stemming from an investigative procedure finalized with a positive decision which is to determine the capability of a legal entity to participate in pre-contractual activities or perform classified contracts, in accordance with the respective national legislation;
- f) "National Security Authority" means the state authority of each Party, which in accordance with its national legislation is responsible for the general implementation and supervision of this Agreement; the respective authorities of the Parties are referred to in Article 4 paragraph 1;
- g) "Need-to-know" means the necessity to have access to specific Classified Information in the scope of a given official position and for the performance of a specific task;
- h) "Originating Party" means the Party, as well as any legal entity under the jurisdiction of its state which generates and releases Classified Information;
- i) "Personnel Security Certificate" means a document issued in accordance with the respective national legislation on the basis of which access to information of a certain security classification level may be granted to an individual;
- j) "Receiving Party" means the Party, as well as any legal entity under the jurisdiction of its state, which receives Classified Information.

### Article 3 Security Classification Levels

The Parties agree that the following security classification levels are equivalent and correspond to the security classification levels specified in their national legislation:

| For the Republic of Cyprus | For Romania                                 | Equivalent in English |
|----------------------------|---------------------------------------------|-----------------------|
| ΑΚΡΩΣ ΑΠΟΡΡΗΤΟ             | STRICT SECRET DE<br>IMPORTANTĂ<br>DEOSEBITĂ | TOP SECRET            |
| ΑΠΟΡΡΗΤΟ                   | STRICT SECRET                               | SECRET                |
| ΕΜΠΙΣΤΕΥΤΙΚΟ               | SECRET                                      | CONFIDENTIAL          |
| ΠΕΡΙΟΡΙΣΜΕΝΗΣ<br>ΧΡΗΣΗΣ    | SECRET DE SERVICIU                          | RESTRICTED            |

### Article 4 National Security Authorities

1. The National Security Authorities of the Parties are:

For the Republic of Cyprus:

National Security Authority  
Ministry of Defence of the Republic of Cyprus  
4 Emmanuel Roidis St.  
1432 Nicosia  
Republic of Cyprus

For Romania  
Government of Romania  
National Registry Office for Classified Information  
4 Mureş St., District 1  
Bucharest  
Romania

2. The Parties shall inform each other through diplomatic channels of any relevant change regarding the National Security Authorities.
3. Upon request the National Security Authorities shall notify each other about other competent authorities.
4. The National Security Authorities shall inform each other of respective national legislation on Classified Information and of any significant amendments thereto and shall exchange information about the security standards, procedures and practices for the protection of Classified Information.
5. If the need arises, the National Security Authorities may conclude security arrangements on specific technical aspects concerning the implementation of this Agreement.

#### Article 5 Protection Measures and Access to Classified Information

1. In accordance with their national legislation, the Parties shall take all appropriate measures for the protection of Classified Information, which is exchanged or generated under this Agreement. At least the same level of protection shall be ensured to such Classified Information as is provided for the national Classified Information of the equivalent security classification level in accordance with Article 3.
2. The Receiving Party shall neither mark with a lower security classification level the received Classified Information nor declassify this information without the prior written consent of the Originating Party. The Originating Party shall inform the Receiving Party in writing about any change of the security classification level of the transmitted Classified Information.
3. Access to Classified Information and/or to premises where activities involving Classified Information are performed or where Classified Information is stored shall be limited to persons on a Need-to-know basis who are authorised in accordance with the national legislation of the Parties to have access to Classified Information of the equivalent security classification level.
4. On request, the Parties, through their National Security Authorities, shall confirm that a Personnel Security Certificate or a Facility Security Certificate is granted to an individual or to a legal entity before accessing Classified Information of the Originating Party.

5. Within the scope of this Agreement, each Party shall recognise the Personnel Security Certificates and Facility Security Certificates granted in accordance with the national legislation of the other Party. Each Party shall recognise the security certificates of the other Party in accordance with the equivalence stated in Article 3.
6. The competent authorities shall, in accordance with the national legislation, assist each other upon request at carrying out vetting procedures necessary for the implementation of this Agreement.
7. Within the scope of this Agreement, the National Security Authorities of the Parties shall inform each other without delay about any alteration with regard to the Personnel Security Certificates and the Facility Security Certificates, in particular about their withdrawal or downgrading.
8. The assignment of a security classification level to jointly created Classified Information, its change or the declassification of this information shall be made upon common consent of the Parties.
9. Classified Information shall not be disclosed by the Receiving Party to any state other than the states of the Parties, international organization, legal entity or individual not under the jurisdiction of either of the states of the Parties without the prior written consent of the Originating Party.
10. The Receiving Party shall:
  - a) mark the received Classified Information with its own national security classification level in accordance with the equivalences referred to in Article 3;
  - b) use Classified Information solely for the purposes it has been provided for.

## Article 6

### Transmission of Classified Information

1. Classified Information shall be transmitted through diplomatic channels, military channels or through other means agreed on by the National Security Authorities. The Receiving Party shall confirm the receipt of Classified Information in writing.
2. Electronic transmission of Classified Information shall be carried out only in cryptic form, using cryptographic methods and devices agreed by the National Security Authorities, in accordance with the national legislation.
3. If necessary, operational and/or operative and intelligence information may be exchanged directly between the relevant authorities of the states of the Parties, in accordance with the national legislation.

## Article 7

### Translation and Reproduction of Classified Information

1. Translations and reproductions of Classified Information shall be made in accordance with the national legislation of the Receiving Party and the following procedures: