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**Georgia
and
Luxembourg**

Agreement between the Government of Georgia and the Government of the Grand Duchy of Luxembourg on the exchange and mutual protection of classified information. Luxembourg, 5 October 2012

Entry into force: *1 July 2013, in accordance with article 15*

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**Géorgie
et
Luxembourg**

Accord entre le Gouvernement de Géorgie et le Gouvernement du Grand-Duché de Luxembourg concernant l'échange et la protection réciproque d'informations classifiées. Luxembourg, 5 octobre 2012

Entrée en vigueur : *1^{er} juillet 2013, conformément à l'article 15*

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**AGREEMENT BETWEEN THE GOVERNMENT OF GEORGIA AND
THE GOVERNMENT OF THE GRAND DUCHY OF LUXEMBOURG
ON THE EXCHANGE AND MUTUAL PROTECTION OF CLASSIFIED
INFORMATION**

The Government of Georgia and the Government of the Grand Duchy of Luxembourg, hereinafter referred to as the "Parties",

wishing to ensure the protection of Classified Information exchanged between the Parties or between public and private legal entities under their jurisdiction, in respect of national interests and security,

have agreed on the following:

ARTICLE 1

OBJECTIVE AND SCOPE OF APPLICATION

1. The objective of this Agreement is to ensure the protection of Classified Information that is exchanged or generated in the process of co-operation between the Parties.
2. This Agreement shall govern any activity and be applicable to any contract or agreement concluded between the Parties, as well as to any document exchanged between the Parties, involving Classified Information.

ARTICLE 2

DEFINITIONS

For the purpose of this Agreement these terms mean the following:

Classified Information: Any information, document or material containing state secret, regardless of its form, which is transmitted or generated between the Parties under the national laws and regulations of either Party, which requires protection against unauthorised disclosure, misappropriation or loss and is designated as such and marked appropriately.

Classified Contract: A contract or a subcontract, including pre-contractual negotiations, which contains Classified Information or involves access to it.

Contractor: An individual or entity possessing the legal capacity to conclude contracts or sub-contracts.

Competent Authority: The authority which is responsible for the implementation and supervision of this Agreement according to national laws and regulations of the Parties.

Security Clearance: A determination by the Competent Authorities that individuals and public or private legal entities are authorized to access Classified Information, according to national laws and regulations.

Originating Party: The Party, including any public or private legal entities under its jurisdiction, which releases Classified Information to the Recipient Party.

Recipient Party: The Party, including any public or private legal entities under its jurisdiction, which receives Classified Information from the Originating Party.

Third Party: A state, including any public or private legal entities under its jurisdiction, or an international organisation that is not a Party to this Agreement.

Need-to-Know: A principle by which access to Classified Information may be granted to an individual only in connection with his/her official duties or tasks.

ARTICLE 3

COMPETENT AUTHORITIES

1. The Competent Authorities designated by the Parties as responsible for the general implementation and the relevant controls of all aspects of this Agreement are:
 - a) For Georgia:
the Ministry of Internal Affairs of Georgia;
 - b) For the Grand Duchy of Luxembourg:
Service de Renseignement de l'Etat
Autorité nationale de Sécurité
("National Security Authority of the State Intelligence Service")
2. The Competent Authorities shall notify each other in writing of any other Competent Authorities that are responsible for the implementation of this Agreement.
3. The Parties shall inform each other in writing of any subsequent changes of the Competent Authorities.

ARTICLE 4

SECURITY CLASSIFICATIONS

1. Classified Information released under this Agreement shall be marked with the appropriate security classification level in accordance with the national laws and regulations of the Parties.
2. The equivalence of the national security classification markings is as follows:

For Georgia	For the Grand Duchy of Luxembourg	Equivalent in English
განსაკუთრებული მნიშვნელობის	Très Secret Lux	Top Secret
სრულიად საიდუმლო	Secret Lux	Secret
საიდუმლო	Confidentiel Lux	Confidential
შეზღუდული სარგებლობისთვის	Restreint Lux	Restricted

ARTICLE 5

ACCESS TO CLASSIFIED INFORMATION

1. Each Party shall ensure that the access to Classified Information be granted only to those persons, who have a Need-to-Know and who, in accordance with national laws and regulations, have a respective security clearance and are authorized to have access to such information, as well as are briefed accordingly.
2. The Parties shall mutually recognise their respective security clearances.

ARTICLE 6

SECURITY CO-OPERATION

1. In order to achieve and maintain comparable standards of security, the Competent Authorities shall, on request, provide each other with information about their national security standards, procedures and practices for the protection of Classified Information. To this aim the Competent Authorities may visit each other.
2. The Competent Authorities shall inform each other of exceptional security risks that may endanger the released Classified Information.
3. On request, the Competent Authorities shall assist each other in carrying out security clearance procedures.
4. The Competent Authorities shall promptly inform each other in writing about any changes in mutually recognized security clearances.

ARTICLE 7

PROTECTION OF CLASSIFIED INFORMATION

1. The Parties shall afford to Classified Information referred to in this Agreement the same protection as to their own information of the corresponding level of security classification.

2. The Originating Party shall:

- a) ensure that the Classified Information is marked with an appropriate security classification marking in accordance with its national laws and regulations.
- b) inform the Recipient Party:
 - of any conditions of release or limitations on the use of the Classified Information;
 - of any subsequent changes in the classification level of the released Classified Information.

3. The Recipient Party shall:

- a) confirm, in writing, the reception of the Classified Information;
- b) ensure that the Classified Information is marked with an equivalent classification marking in accordance with Paragraph 2 of Article 4; and
- c) ensure that the classification level is not changed unless authorized in writing by the Originating Party.

4. The Recipient Party shall use the Classified Information only for the purpose for which it has been delivered and within the limitations stated by the Originating Party.

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

ARTICLE 8

TRANSMISSION OF CLASSIFIED INFORMATION

Classified Information shall be transmitted between the Parties, in accordance with the respective national legislation, through diplomatic and military channels or other protected means of communication approved by prior consent of the Competent Authorities of both Parties.

ARTICLE 9

REPRODUCTION, TRANSLATION AND DESTRUCTION OF CLASSIFIED INFORMATION

- 1. All reproductions and translations shall bear appropriate security classification markings and they shall be protected as the original Classified Information. The translations and the number of reproductions shall be limited to the minimum required for an official purpose.
- 2. All translations shall contain a suitable annotation, in the language of translation, indicating that they contain Classified Information of the Originating Party.
- 3. Classified Information marked as *სრულიად საიდუმლო*/Secret Lux shall be translated or reproduced only upon the written permission of the Originating Party. Classified