

**No. 51520\***

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**United States of America  
and  
Ukraine**

**Agreement between the Government of the United States of America and the Government of Ukraine on protection of classified defense information. Kyiv, 4 August 2003**

**Entry into force:** *14 July 2004 by notification, in accordance with article 24*

**Authentic texts:** *English and Ukrainian*

**Registration with the Secretariat of the United Nations:** *United States of America, 25 November 2013*

*\*No UNTS volume number has yet been determined for this record. The Text(s) reproduced below, if attached, are the authentic texts of the agreement /action attachment as submitted for registration and publication to the Secretariat. For ease of reference they were sequentially paginated. Translations, if attached, are not final and are provided for information only.*

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**États-Unis d'Amérique  
et  
Ukraine**

**Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de l'Ukraine relatif à la protection des informations de défense classifiées. Kiev, 4 août 2003**

**Entrée en vigueur :** *14 juillet 2004 par notification, conformément à l'article 24*

**Textes authentiques :** *anglais et ukrainien*

**Enregistrement auprès du Secrétariat des Nations Unies :** *États-Unis d'Amérique, 25 novembre 2013*

*\*Le numéro de volume RTNU n'a pas encore été établi pour ce dossier. Les textes reproduits ci-dessous, s'ils sont disponibles, sont les textes authentiques de l'accord/pièce jointe d'action tel que soumises pour l'enregistrement et publication au Secrétariat. Pour référence, ils ont été présentés sous forme de la pagination consécutive. Les traductions, s'ils sont inclus, ne sont pas en form finale et sont fournies uniquement à titre d'information.*

[ ENGLISH TEXT – TEXTE ANGLAIS ]

**AGREEMENT BETWEEN**  
**THE GOVERNMENT OF THE UNITED STATES OF AMERICA**  
**AND**  
**THE GOVERNMENT OF UKRAINE**  
**ON PROTECTION OF CLASSIFIED DEFENSE INFORMATION**

**PREAMBLE**

The Government of the United States of America and the Government of Ukraine, hereinafter referred to as "the Parties" and separately as "a Party,"

With the goal of ensuring mutual protection of classified defense information which has been classified by one of the Parties and released to the other Party or created in the process of cooperation between the Parties;

Have agreed as follows:

**ARTICLE 1**

Classified defense information provided by one Party to the other Party, or to an officer or other representative of the other Party, shall be protected according to the terms set forth herein and in accordance with the laws and applicable regulations of the country of the recipient Party.

**ARTICLE 2**

Each Party shall promptly notify the other of any changes to its laws and regulations that would affect the protection of classified defense information under this Agreement. In such case, the Parties shall consult, as provided in Article 23, to consider possible amendments to this Agreement. In the interim, classified defense information shall continue to be protected as described in this Agreement, unless otherwise agreed in writing by the releasing Party.

**ARTICLE 3**

For the purpose of this Agreement, classified defense information is information that is generated by or for the Department of Defense of the United States of America or the Ministry of Defense of Ukraine or that is under their jurisdiction or control, and which requires protection in the interests of national security of the Party by or for whom the information was generated. The information may be in oral, visual, electronic, magnetic or documentary form, or in the form of equipment or technology. The Parties shall, consistent with their national laws and regulations, employ the following equivalent classification levels and markings:

For the United States of America  
TOP SECRET  
SECRET  
CONFIDENTIAL

For Ukraine  
ОСОБЛИВОЇ ВАЖЛИВОСТІ  
ЦІЛКОМ ТАЄМНО  
ТАЄМНО

**ARTICLE 4**

Supplemental annexes under this Agreement may be concluded by the designated implementing agencies, subject to written agreement by both Parties. For the Government of the United States of America, the designated implementing agency shall be the Department of Defense. For the Government of Ukraine, the designated implementing agency shall be the Ministry of Defense of Ukraine.

**ARTICLE 5**

No individual shall be entitled to access to classified defense information solely by virtue of rank, appointment, or security clearance. Access to the information shall be granted only to those individuals whose official duties require such access and who have been granted a personnel security clearance in accordance with the prescribed national laws, regulations, and standards of the recipient Party. The Parties shall ensure that:

A. The recipient Party shall not release the information to a government, person, firm, institution, organization or other entity of a third country without the prior written approval of the releasing Party;

B. The recipient Party shall afford the information a degree of protection equivalent to that afforded by the releasing Party;

C. The recipient Party shall not use the information for any other purpose than that for which it was provided, without the prior written approval of the releasing Party;

D. The recipient Party shall respect private rights, such as patents, copyrights, or trade secrets, which are involved in the information; and

E. Each facility or establishment that handles classified defense information received from the other Party shall maintain a registry of the clearance of individuals at the facility or establishment who are authorized to have access to such information.

#### **ARTICLE 6**

The determination on the granting of a personnel security clearance to an individual shall be consistent with the interests of national security and shall be based among other factors upon all available information indicating whether the individual is of unquestioned loyalty, integrity, trustworthiness, and excellent character, and of such habits and associates as to cast no doubt upon his or her discretion or good judgment in the handling of classified defense information.

#### **ARTICLE 7**

An appropriate investigation, in sufficient detail to provide assurance that the above criteria have been met, shall be conducted by the Parties with respect to any individual to be granted access to classified defense information covered by this Agreement.

#### **ARTICLE 8**

Before a representative of a Party releases classified defense information to an officer or representative of the other Party, the recipient Party shall provide to the releasing Party an assurance that the officer or representative possesses the necessary level of security clearance and requires access for official purposes to the aforementioned information, and that the information will be protected by the receiving Party in accordance with Article 1 of this Agreement.

#### **ARTICLE 9**

Authorizations for visits by representatives of one Party to facilities and establishments of the other Party, where access to classified defense information is required, shall be limited to those necessary for official purposes. Authorizations to visit a facility or establishment shall be granted only by the Party on whose territory the facility or establishment is located or by government officials designated by that Party. The visited Party or the designee shall be responsible for advising the facility or establishment of the proposed visit, and the scope and highest level of classified defense information that may be furnished to the visitor. Requests for visits by representatives of the Parties shall be submitted in advance through the United States Defense Attaché Office in Kiev, in the case of United States visitors, and through the Ukraine Defense Attaché Office in Washington, D.C., in the case of Ukrainian visitors.

#### **ARTICLE 10**

Each Party shall be responsible for safeguarding all classified defense information of the other Party from the moment it is officially received, while the information is in transit, transmission, or storage within its territory.

#### **ARTICLE 11**

Each Party shall be responsible for the security of all government and private facilities and establishments where the information of the other Party is kept and shall assure that for each such facility or establishment qualified individuals are appointed who shall have the responsibility and authority for the control and protection of the information.

#### ARTICLE 12

The information shall be stored in a manner that assures access only by those individuals who have been authorized access pursuant to Articles 5, 6, 7 and 8 of this Agreement.

#### ARTICLE 13

Classified defense information shall be transmitted between the Parties through government-to-government channels by authorized government officials, consistent with criteria and standards specified in Articles 5, 6, 7, 8, 9, and 10 of this Agreement. The minimum requirements for the security of the information during transmission shall be as follows:

##### **A. Documents.**

(1) Documents or other media containing classified defense information shall be transmitted in double, sealed envelopes, the innermost envelope bearing only the classification of the documents or other media and the organizational address of the intended recipient, the outer envelope bearing the organizational address of the recipient, the organizational address of the sender, and the registry number.

(2) No indication of the classification of the enclosed documents or other media shall be made on the outer envelope. The sealed envelope shall then be transmitted according to the prescribed regulations and procedures of the releasing Party.

(3) Receipts shall be prepared for packages containing classified documents or other media that are transmitted between the Parties, and a receipt for the enclosed documents or other media shall be signed by the final recipient and returned to the sender.

##### **B. Classified equipment.**

(1) Classified equipment shall be transported in sealed, covered vehicles, or be securely packaged or protected in order to prevent identification of its details, and kept under continuous control to prevent access by unauthorized persons.

(2) Classified equipment which must be stored temporarily awaiting shipment shall be placed in protected storage areas. The areas shall be protected by intrusion-detection equipment or guards with security clearances who shall maintain continuous surveillance of the storage areas. Only authorized personnel with the requisite security clearance shall have access to the storage areas.

(3) Receipts shall be obtained on every occasion when classified equipment changes hands en route.

(4) Receipts shall be signed by the final recipient and returned to the sender.

**C. Electronic Transmissions.** Classified defense information transmitted by electronic means shall be encrypted.

#### ARTICLE 14

Accountability and control procedures shall be established to manage the dissemination of and access to classified defense information.

#### ARTICLE 15

**A.** Each Party shall stamp or mark the name of the originating government on all classified defense information received from the other Party. The information shall be marked with a national security classification marking of the recipient Party that will afford a degree of