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**Lithuania
and
Georgia**

Agreement between the Government of the Republic of Lithuania and the Government of Georgia on exchange and mutual protection of classified information. Brussels, 11 June 2009

Entry into force: *29 April 2010 by notification, in accordance with article 14*

Authentic texts: *English, Georgian and Lithuanian*

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**Lituanie
et
Géorgie**

Accord entre le Gouvernement de la République de Lituanie et le Gouvernement de la Géorgie relatif à l'échange et à la protection réciproque d'informations classifiées. Bruxelles, 11 juin 2009

Entrée en vigueur : *29 avril 2010 par notification, conformément à l'article 14*

Textes authentiques : *anglais, géorgien et lituanien*

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**AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
AND
THE GOVERNMENT OF GEORGIA
ON EXCHANGE AND MUTUAL PROTECTION
OF CLASSIFIED INFORMATION**

The Government of the Republic of Lithuania and the Government of Georgia (hereinafter referred to as the "Parties"),

Having agreed to hold talks on political and security-related issues and to broaden and tighten their political, legal, military and economic co-operation,

Being aware of the changes in the political situation in the world and recognising the important role of their mutual co-operation for the stabilisation of peace, international security and mutual confidence,

Realising that good co-operation may require exchange of Classified Information between the Parties;

Desiring to create a set of rules regulating the mutual protection of Classified Information applicable to any future co-operation agreements and Classified Contracts which will be implemented between the Parties, containing or involving Classified Information;

Have agreed as follows:

**Article 1
Objective and Scope**

(1) The objective of this Agreement is to ensure protection of Classified Information that is exchanged or created in the process of co-operation between the Parties.

(2) This Agreement shall be applicable to any activities, contracts or agreements involving Classified Information, that will be conducted or concluded between the Parties in future or have been conducted or concluded until entering into force of this Agreement.

**Article 2
Definitions**

For the purpose of this Agreement:

(1) "Classified Information" means the information, documents and materials of whatever form, nature, which is considered an official or state secret, to which a Classification Marking has been attributed and which, in the interests of national security and in accordance with the national legislation, require protection against an Unauthorised access to Classified Information or any breach of security.

(2) "Unauthorised access to Classified Information or any breach of security" means an act or an omission contrary to national legislation, which results any form of disclosure of Classified Information, including but not limited to loss, misuse, damage, unauthorised destruction or any other actions or omissions that have resulted or may result in making Classified Information known to unauthorised person.

(3) "Classification Marking" means a mark on any Classified Information, which shows the security classification level, which characterizes the importance of Classified Information, level of restriction of access to it and level of its protection.

(4) "Security Clearance" means a positive determination stemming from a national vetting procedure that shall ascertain loyalty and trustworthiness of an individual or legal entity as well as other security aspects in accordance with national legislation, which grants the individual or the legal entity an access and allows them to handle Classified Information up to a certain information security classification level.

(5) "Originating Party" means an Administrative Entity/Competent Authority of the State of the Party, which has provided Classified Information.

(6) "Receiving Party" means an Administrative Entity/Competent Authority or a Contractor of the State of the Party to which Classified Information is transmitted.

(7) "Administrative Entity" means state or municipal institution and enterprise founded by such institution, which deals with Classified Information and which in accordance with national legislation is authorized to classify and to declassify information.

(8) "Competent Authority" means the authority, which in compliance with the national legislation of the respective State of the Party performs the State policy for the protection of Classified Information, exercises overall control in the sphere as well as supervises the implementation of this Agreement. Such authorities are listed in Article 5 of this Agreement.

(9) "Contractor" means an individual or a legal entity possessing the legal capacity to conclude a Classified Contract under the provisions of this Agreement and national legislation.

(10) "Classified Contract" means any pre-contractual negotiations, contracts, sub-contracts or other approved arrangements with or between the Contractors under the jurisdiction of either State of the Party in order to supply products, execute works or provide services involving access to or generation of Classified Information.

(11) "Need-to-know" principle means that right to have access to Classified Information may be entrusted only to the persons who in accordance with national legislation are authorised to get access to Classified Information and who is needed to familiarise with Classified Information in connection with official duties and/or for the performance of a concrete official task.

(12) "Third Party" means a state or international organisation, which is not a Party to this Agreement.

(13) "Declassification of Classified Information" means the removal of the Classified Information security classification level.

Article 3

Information Security Classification Markings

(1) The Parties agree that the following information security classification markings are equivalent and correspond to the information security classification markings specified in the national legislation of the respective state:

For the Republic of Lithuania	Equivalent in English	For Georgia
VISIŠKAI SLAPTAI	TOP SECRET	განსაკუთრებული მნიშვნელობის
SLAPTAI	SECRET	სრულიად საიდუმლო
KONFIDENCIALIAI	CONFIDENTIAL	საიდუმლო
RIBOTO NAUDOJIMO	RESTRICTED	შეზღუდული სარგებლობისათვის

(2) The Receiving Party shall mark received Classified Information with an equivalent classification marking.

(3) The Receiving Party shall not declassify or downgrade the security classification level of the Classified Information without a prior consent in writing of the Originating Party.

Article 4
National measures

(1) In compliance with their national legislation, the Parties shall implement all appropriate measures for protection of Classified Information, which is commonly generated or exchanged either directly or indirectly under this Agreement. The same level of protection shall be ensured for such Classified Information as it is provided for the national Classified Information, with the corresponding security classification level.

(2) No person shall be entitled to access to Classified Information solely by virtue of his or her rank, official position or Security Clearance. Access to Classified Information shall be granted only to those individuals who have been issued an appropriate Security Clearance or have been authorised in accordance with national legislation and "Need-to-know" principle.

(3) The Receiving Party is obligated:

- a) not to disclose Classified Information to a Third Party without a prior written consent of the Competent Authority of the Originating Party;
- b) not to use Classified Information for other purposes than those it has been provided for;
- c) to guarantee the private rights such as patent rights, copyrights or commercial secrets that are involved in Classified Information.

(4) If any other agreement concluded between the Parties contains stricter regulations regarding the exchange or protection of Classified Information, these regulations shall apply.

Article 5
Competent Authorities

(1) The Competent Authorities of the Parties are:

For the Republic of Lithuania:

Commission for Co-ordination of the Protection of Secrets of the Republic of Lithuania

For Georgia:

Ministry of Internal Affairs of Georgia

(2) The Competent Authorities shall inform each other of the national legislation in force regulating the protection of Classified Information, as well as about any changes in this legislation affecting the protection of Classified Information in accordance with this Agreement.

(3) In order to ensure close co-operation in the implementation of the present Agreement, the Competent Authorities may hold consultations at the request made by one of them.