

No. 53984*

**Poland
and
Luxembourg**

**Agreement between the Government of the Republic of Poland and the Government of the Grand-Duchy of Luxembourg on the mutual protection of classified information.
Warsaw, 12 May 2015**

Entry into force: *1 September 2016, in accordance with article 17*

Authentic texts: *English, French and Polish*

Registration with the Secretariat of the United Nations: *Poland, 12 October 2016*

**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.*

**Pologne
et
Luxembourg**

**Accord entre le Gouvernement de la République de Pologne et le Gouvernement du Grand-Duché de Luxembourg concernant la protection réciproque d'informations classifiées.
Varsovie, 12 mai 2015**

Entrée en vigueur : *1^{er} septembre 2016, conformément à l'article 17*

Textes authentiques : *anglais, français et polonais*

Enregistrement auprès du Secrétariat des Nations Unies : *Pologne, 12 octobre 2016*

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AGREEMENT

**between the Government of the Republic of Poland and the Government of
the Grand-Duchy of Luxembourg on the Mutual Protection of Classified
Information**

The Government of the Republic of Poland and the Government of the Grand-
Duchy of Luxembourg,

hereinafter together referred to as the “Parties”,

or each individually referred to as a “Party”,

having due regard for necessity of guaranteeing effective protection of Classified
Information, as defined below, which has been exchanged in political, economic,
military, security and any other areas between the Parties or originated during the
cooperation course,

being guided by intention to adopt uniform regulations for both Parties concerning
the protection of Classified Information,

with respect to the binding rules of international law and national laws and
regulations 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 generated or exchanged between the Parties.
2. This Agreement shall be applicable to any activities, or contracts involving Classified Information that will be conducted or concluded between the Parties.

ARTICLE 2 DEFINITIONS

For the purpose of this Agreement, the following definitions mean:

1. **Classified Information** – any information, irrespective of the form, carrier or manner of recording thereof, as well as objects or any parts thereof, also in the process of being generated, which requires protection against unauthorized disclosure or loss in accordance with national laws and regulations of each of the Parties and this Agreement;
2. **Competent Authorities** – authorities referred to in Article 4 of this Agreement;
3. **Originating Body** – the Party, individual, legal entity, or other organizational unit which originates Classified Information in accordance with its national laws and regulations;
4. **Receiving Body** – the Party, individual, legal entity, or other organizational unit to which Classified Information is provided;
5. **Classified Contract** – any agreement, the execution of which involves access to Classified Information or originating of such information;
6. **Contractor** – any individual, any legal entity or any other organizational unit under the law of one of the Parties, which has legal capacity to enter into Classified Contracts;

7. **Personnel Security Clearance** – a determination following an investigative procedure stating that an individual is eligible to have access to Classified Information up to a certain classification level;
8. **Facility Security Clearance** - a determination following an investigative procedure stating that a Contractor is authorized to either receive, process or store Classified Information up to a certain classification level;
9. **Third Party** – any international organization or a State not being a Party to this Agreement or any individual or any other entity that is not under the jurisdiction of either Party.
10. **Breach of Security** – any action or any omission which is contrary to this Agreement and the national laws and regulations of the Parties, referring to the protection of Classified Information.

ARTICLE 3

SECURITY CLASSIFICATION LEVELS

1. Classified Information is granted a security classification level depending on its content, as determined by the national laws and regulations of the Originating Body. The Receiving Body shall guarantee at least an equivalent level of protection of the received Classified Information, according to the provisions of Paragraph 3.
2. The security classification level may be changed or removed only by the Originating Body. The Receiving Body shall be notified in writing of every change or removal of the security classification level of previously received Classified Information.
3. The Parties acknowledge that the following security classification levels are equivalent:

REPUBLIC OF POLAND	GRAND –DUCHY OF LUXEMBOURG	EQUIVALENT IN ENGLISH
ŚCIŚLE TAJNE	TRES SECRET LUX	TOP SECRET
TAJNE	SECRET LUX	SECRET
POUFNE	CONFIDENTIEL LUX	CONFIDENTIAL
ZASTRZEŻONE	RESTREINT LUX	RESTRICTED

ARTICLE 4

COMPETENT AUTHORITIES

1. For the purpose of this Agreement, the Competent Authorities shall be:
 - 1) For the Republic of Poland:
the “Head of the Internal Security Agency”
 - 2) For the Grand-Duchy of Luxembourg:
“Service de Renseignement”
Autorité nationale de Sécurité
2. The Parties shall inform each other via diplomatic channels if any of the information, referred to in Paragraph 1, should be updated or amended.

ARTICLE 5

PRINCIPLES OF CLASSIFIED INFORMATION PROTECTION

1. In accordance with their national laws and regulations, the Parties shall take all appropriate measures to protect Classified Information which is exchanged or generated under this Agreement.
2. The Receiving Body shall use Classified Information exclusively for the purposes it was conveyed.
3. Access to Classified Information shall be granted only to those individuals who have a need-to-know and who have specifically been authorized to access such information according to national laws and regulations of the Receiving Body.