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**Poland
and
Ukraine**

Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on the mutual protection of classified information. Warsaw, 27 August 2015

Entry into force: *1 January 2017, in accordance with article 17*

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**Pologne
et
Ukraine**

Accord entre le Gouvernement de la République de Pologne et le Cabinet des Ministres de l'Ukraine concernant la protection réciproque d'informations classifiées. Varsovie, 27 août 2015

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AGREEMENT

**between the Government of the Republic of Poland
and the Cabinet of Ministers of Ukraine
on the mutual protection of classified information**

The Government of the Republic of Poland
and the Cabinet of Ministers of Ukraine,
hereinafter referred to as the “Parties”,

having due regard for necessity of guaranteeing the effective protection
of classified information which has been exchanged between the Parties
or originated during the cooperation course,

being guided by the adoption of mutual regulations in the scope of the protection
of classified information,

without prejudice to binding rules of the international law and the national
legislation of the States of the Parties,

have agreed as follows:

ARTICLE 1 DEFINITIONS

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

- 1) **classified information** – any information, irrespective of the form, carrier and manner of recording thereof, as well as products or any parts thereof, also in the process of being generated, which require protection against unauthorized disclosure in accordance with the national legislation of the State of each of the Parties and this Agreement;
- 2) **competent authorities** – authorities referred to in Article 3 of this Agreement that have been designated by the Parties as being responsible for supervision over implementation of this Agreement;
- 3) **authorized bodies** – entities authorized to originate, transmit, receive, store, protect and use classified information in accordance with the national legislation of the State of their Party;
- 4) **classified contract** – an agreement, regardless of its form, between authorized bodies of the States of the Parties, performance of which involves classified information;
- 5) **Originating party** – an authorized body of the State of the Party which originates and transmits classified information to the Recipient party;
- 6) **Recipient party** – an authorized body of the State of the Party, which receives classified information from the Originating party;
- 7) **breach of rules concerning mutual protection of classified information** – is non-compliance with the order of handling of such information including unauthorized disclosure of classified information or loss of its material carriers.

ARTICLE 2 SECURITY CLASSIFICATIONS

1. Classified information shall be granted security classification, pursuant to the national legislation of the State of the Originating party. The Recipient party shall guarantee at least an equivalent level of protection of the received classified information, according to the provisions of Paragraph 3 of this Article.
2. Security classification may be changed or removed only by the Originating party. The Recipient party shall be notified in writing of every change or removal of the security classification of previously received classified information.

3. The Parties agree that the following security classifications are equivalent:

REPUBLIC OF POLAND	UKRAINE	EQUIVALENT IN ENGLISH
ŚCIŚLE TAJNE	Особливої важливості	TOP SECRET
TAJNE	Цілком таємно	SECRET
POUFNE	Таємно	CONFIDENTIAL
ZASTRZEŻONE	Для службового користування	RESTRICTED

ARTICLE 3 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 Ukraine: the Security Service of Ukraine.
2. The Parties shall inform each other via diplomatic channels about amendments regarding the names of the competent authorities of their States or about amendments to their competence.

ARTICLE 4 PRINCIPLES OF CLASSIFIED INFORMATION PROTECTION

1. The Parties shall adopt every measure set out in this Agreement and compatible with the national legislation of their States aimed at the protection of classified information which has been transmitted or originated as a result of the mutual cooperation of authorized bodies of the States of the Parties.
2. The Recipient party shall use classified information exclusively for the purpose it was transmitted for.
3. Access to classified information shall be granted only to those individuals who have a need-to-know and who have been authorized to access such information according to the national legislation of the State of the Recipient party.

4. The Recipient party shall not release the information, referred to in Paragraph 1 of this Article, to a third party without a prior written consent of the Originating party.

ARTICLE 5

RECOGNITION OF AUTHORIZING DOCUMENTS

In the scope of this Agreement the Parties shall mutually recognize the documents authorizing to handle classified information issued in accordance with the national legislation of their States.

ARTICLE 6

CLASSIFIED CONTRACTS

1. Before concluding a classified contract involving information classified as “POUFNE/Таємно” or above, a principal shall apply to the competent authority of its State to request the competent authority of the State of the other Party to issue a written confirmation that a contractor is authorized, in accordance with the national legislation of its State, to perform activities connected to classified information with appropriate security classification.
2. Within the framework of classified contract, classified information shall not be accessible to the contractor until the receipt of the written confirmation referred to in Paragraph 1 of this Article.
3. The classified contract shall contain necessary requirements regarding the protection of classified information set out by the national legislation of the State of the principal.
4. A subcontractor shall comply with the same conditions for the protection of classified information as those laid down for the contractor.

ARTICLE 7

TRANSMISSION OF CLASSIFIED INFORMATION

1. Classified information shall be transmitted via diplomatic channels.
2. Information classified as “ZASTRZEŻONE/Для службового користування” may also be transmitted in other way, stipulated by the national legislation of the State of the Originating party.
3. The competent authorities of the States of the Parties may agree on other forms of transmitting classified information which ensure protection against its unauthorized disclosure.
4. The Recipient party shall confirm in writing the receipt of classified information.