

AGREEMENT
between the Slovak Republic
and the European Space Agency
for the exchange and mutual protection
of classified information

The Slovak Republic,

and

the European Space Agency, hereinafter referred to as 'ESA', represented by its Director General,

hereinafter referred to as 'the Parties',

HAVING REGARD to the Convention for the Establishment of a European Space Agency, which was signed in Paris on 30 May 1975 and entered into force on 30 October 1980,

HAVING REGARD to the Agreement between the States Parties to the Convention for the Establishment of a European Space Agency and the European Space Agency concerning the protection and exchange of classified information, which was signed in Paris on 19 August 2002 and entered into force on 20 June 2003,

CONSIDERING the Slovak Republic and ESA and share the objectives to strengthen their own security in all ways,

CONSIDERING that a permanent need has been established to exchange classified information between the Slovak Republic and ESA in the scope of ESA's activities,

have agreed as follows:

Article 1

In order to fulfil the objectives of strengthening the security of each of the Parties in all ways, the Agreement between the Slovak Republic and ESA for the exchange and mutual protection of classified information (hereinafter referred to as 'the Agreement') shall apply to classified information as defined in Article 2, and for the classification levels as per Article 3, §2 provided to or exchanged between the Parties.

Article 2

For the purposes of this Agreement, classified information shall mean any information (namely knowledge which may be communicated in whatever form), or material,

including documents, determined by either Party to require protection against unauthorised disclosure and the unauthorised disclosure of which could damage the interests of the Slovak Republic, ESA, or one or more of its Member States, and which has been so designated by a security classification (hereinafter referred to as classified information).

Article 3

The Parties shall:

1. protect and safeguard classified information subject to this Agreement provided by one Party to the other or exchanged between them;
2. agree that the following security classification levels are equivalent and correspond to the security classification levels specified in the national legislation of the Slovak Republic and the Security Regulations of ESA:

SLOVAK REPUBLIC	ESA
Vyhradené	ESA RESTRICTED
Dôverné	ESA CONFIDENTIAL
Tajné	ESA SECRET

3. ensure that classified information provided or exchanged under this Agreement keeps the security classification given to it by the providing Party. The receiving Party shall protect and safeguard such classified information according to the provisions set out in its own security regulations for classified information holding an equivalent security classification, as specified in the security arrangements to be established pursuant to Article 9;
4. not use such classified information subject to this Agreement for purposes other than those established by the providing Party;
5. not disclose such classified information subject to this Agreement to third parties, without the prior consent of the providing Party;
6. not allow access to such classified information to individuals unless they have a need to know and, where needed, have been security-cleared to the necessary level.

Article 4

1. Classified information may be disclosed or released, in accordance with the principle of originator control, by one Party (the providing Party) to the other Party (the receiving Party).
2. Disclosure or release of classified information to recipients other than those referred to in Article 2 shall require a decision by the receiving Party after

obtaining the written consent of the providing Party, in accordance with the principle of originator control as defined in its security regulations.

3. In implementing paragraphs 1 and 2, no generic release shall be possible unless procedures are established and agreed between the Parties regarding certain categories of information, relevant to their operational requirements.

Article 5

Each of the parties, and entities thereof as defined in Article 2 of this Agreement, shall ensure that it has a security system and security measures in place, based on the basic principles and minimum standards of security laid down in its respective rules or regulations, and reflected in the arrangements to be established pursuant to Article 10, in order to ensure that an equivalent level of protection is applied to classified information subject to this Agreement.

Article 6

1. The Parties shall ensure that all persons who in the conduct of their official duties require access, or whose duties or functions may afford access, to classified information provided or exchanged under this Agreement are appropriately security-cleared, where required, before granting them access to such classified information.
2. The security clearance procedures shall be designed to determine whether an individual may, taking into account his or her loyalty, trustworthiness and reliability, have access to classified information.

Article 7

The Parties shall provide mutual assistance with regard to the security of classified information subject to this Agreement and matters of common security interest. Reciprocal security consultations and inspections shall be conducted by the authorities referred to in Article 8 to assess the effectiveness of the security arrangements within their respective responsibility to be established pursuant to that Article.

Article 8

For the purpose of this agreement

(a) As regards the Slovak Republic

all correspondence shall be sent to the following address:

National Security Authority
Budatínska 30
851 06 Bratislava
Slovak Republic

(b) As regards ESA

all correspondence shall be sent to the following address:

ESRIN
ESA Security Office
Largo Galileo Galilei 1
00044 Frascati
Italy

Article 9

1. In order to implement this Agreement, Security Implementing Arrangements shall be established between the two authorities designated in paragraphs 2 and 3 in order to lay down the standards for the reciprocal security protection and safeguarding of classified information provided or exchanged under this Agreement.
2. The ESA Security Office, under the authority of the Director-General of ESA, shall develop the Implementing Security Arrangements for the protection and safeguarding of classified information provided to or exchanged with ESA under this Agreement.
3. The National Security Authority of the Slovak Republic shall develop the Implementing Security Arrangements for the protection and safeguarding of classified information provided to or exchanged with the Slovak Republic under this Agreement.

Article 10

The authorities referred to in Article 8 shall establish procedures to be followed in the event of proven or suspected compromise of classified information subject to this Agreement, including notification to the other Party of the circumstances and action taken.

Article 11

Each Party shall be responsible for bearing its own costs incurred in implementing this Agreement.

Article 12

Prior to providing or exchanging classified information subject to this Agreement between the Parties, the responsible security authorities referred to in Article 8 shall agree that the receiving Party is able to protect and safeguard the information subject to this Agreement in a way consistent with the arrangements to be established pursuant to that Article.

Article 13

The ESA Security Office and the National Security Authority of the Slovak Republic will facilitate reciprocal inspections on a regular basis to ensure that information originated by their parent organisation is appropriately protected. The Parties involved shall agree jointly upon such inspections.

Article 14

This Agreement shall not prevent the Parties from concluding other Agreements relating to the provision or exchange of classified information subject to this Agreement provided that they do not conflict with the provisions of this Agreement.

Article 15

Any differences between the Slovak Republic and ESA arising out of the interpretation or application of this Agreement shall be addressed by negotiation between the Parties.

Article 16

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal procedures necessary for this purpose.
2. Each Party shall notify the other Party of any changes in its rules and regulations that could affect the protection of classified information referred to in this Agreement.
3. This Agreement may be reviewed for consideration of possible amendments at the request of either Party.

4. Any amendment to this Agreement shall be made in writing only and by common agreement of the Parties. It shall enter into force upon mutual notification as provided under paragraph 1.

Article 17

This Agreement may be denounced by one Party by giving written notice of denunciation to the other Party. Such denunciation shall take effect six months after receipt of notification by the other Party, but shall not affect obligations already contracted under the provisions of this Agreement. In particular, all classified information provided or exchanged pursuant to this Agreement shall continue to be protected in accordance with the provisions set forth herein.

In witness whereof the undersigned, respectively duly authorised, have signed this Agreement.

Done at XXXX, on XX/XX/XXXX in 2 original sets, each in the English and Slovak languages, all text being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

.....

For the Slovak Republic

.....

For the European Space Agency