AGREEMENT

between the European Union and the Principality of Liechtenstein on security procedures for exchanging classified information

The EUROPEAN UNION, hereinafter referred to as 'the EU', and

The PRINCIPALITY OF LIECHTENSTEIN, hereinafter referred to as 'Liechtenstein',

Hereinafter referred to as 'the Parties',

CONSIDERING THAT the Parties share the objectives to strengthen their own security in all ways and to provide their citizens with a high level of safety within an area of security,

CONSIDERING THAT the Parties agree that consultations and cooperation should be developed between them on questions of common interest relating to security,

CONSIDERING THAT, in this context, a permanent need therefore exists to exchange classified information between the Parties,

RECOGNISING THAT full and effective consultation and cooperation may require access to classified information and material of the EU and of Liechtenstein, as well as the exchange of classified information and related material between the Parties,

CONSCIOUS THAT such access to and exchange of classified information and related material require appropriate security measures,

HAVE AGREED AS FOLLOWS:

Article 1

In order to fulfil the objectives of strengthening the security of each of the Parties in all ways, this Agreement between the Principality of Liechtenstein and the European Union on security procedures for exchanging classified information (hereinafter referred to as the 'Agreement') shall apply to classified information or material in any form either provided or exchanged between the Parties.

Article 2

For the purposes of this Agreement, 'classified information' shall mean any information (i.e. knowledge that can be communicated in any form) or material determined by either of the Parties to require protection against unauthorised disclosure and which has been so designated by a security classification.

Article 3

The EU institutions and entities to which this Agreement shall apply are: the European Council, the Council of the European Union (hereinafter referred to as 'the Council'), the General Secretariat of the Council, the High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service (hereinafter: 'the EEAS') and the European Commission. For the purposes of this Agreement, these institutions and entities shall be referred to as 'the EU'.

Article 4

Each Party shall:

(a) protect and safeguard classified information provided or exchanged by the other Party under this Agreement;

(b) ensure that classified information provided or exchanged under this Agreement keeps the security classification marking given to it by the providing Party. The receiving Party shall protect and safeguard the classified information according to the provisions set out in its own security regulations for information or material holding an equivalent security classification, as specified in the security arrangements to be established pursuant to Article 11;

(c) not use such classified information for purposes other than those established by the originator or those for which the information is provided or exchanged;

(d) not disclose such classified information to third parties, or to any EU institution or entity not referred to in Article 3, without the prior written consent of the providing Party;

(e) not allow access to classified information to individuals unless they have a need to know and have been appropriately security-cleared.

Article 5

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. For release to recipients other than the Parties, a decision on disclosure or release of classified information will be made by the receiving Party following the written consent of the providing Party, in accordance with the principle of originator control as defined in the latter's security regulations.

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

Article 6

Each of the Parties, and the institutions and entities referred to in Article 3 of this Agreement, shall ensure that they have a security system and security measures in place, based on the basic principles and minimum standards of security laid down in their respective laws or regulations, and reflected in the arrangements to be established pursuant to Article 11, in order to ensure that an equivalent level of protection is applied to classified information provided or exchanged under this Agreement.

Article 7

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 before they are granted access to such 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 8

The Parties shall provide mutual assistance with regard to the security of classified information provided or exchanged under this Agreement and matters of common security interest. Reciprocal security consultations and inspections shall be conducted by the authorities referred to in Article 11 to assess the effectiveness of the security arrangements within their respective responsibility to be established pursuant to that Article.

Article 9

1. For the purpose of this Agreement:

(a) as regards the EU, all correspondence shall be sent through the Chief Registry Officer of the Council and shall be forwarded by him to the Member States and to the institutions or entities referred to in Article 3, subject to paragraph 2;

(b) as regards Liechtenstein, all correspondence shall be sent to the Chief Registry Officer of the Ministry of Interior of Liechtenstein and forwarded, where appropriate, via the Mission of Liechtenstein to the EU.

2. Exceptionally, correspondence from one Party which is accessible to only specific competent officials, organs or services of that Party may, for operational reasons, be addressed and be accessible only to specific competent officials, organs or services of the other Party specifically designated as recipients, taking into account their competencies and according to the need-to-know principle. As far as the EU is concerned, such correspondence shall be transmitted through the Chief Registry Officer of the Council, the Chief Registry Officer of the European Commission or the Chief Registry Officer of the EEAS, as appropriate. As far as Liechtenstein is concerned, such correspondence shall be transmitted through the Mission of Liechtenstein to the EU.

Article 10

The Minister of Interior of Liechtenstein, the Secretary-General of the Council and the Member of the European Commission responsible for security matters shall oversee the implementation of this Agreement.

Article 11

1. In order to implement this Agreement, security arrangements shall be established between the three authorities designated in paragraphs 2, 3 and 4 in order to lay down the standards for the reciprocal security protection of classified information under this Agreement.

2. The Ministry of Interior of Liechtenstein shall develop the security arrangements for the protection and safeguarding of classified information provided to Liechtenstein under this Agreement.

3. The Security Office of the General Secretariat of the Council, under the direction and on behalf of the Secretary-General of the Council, acting in the name of the Council and under its authority, shall develop the security arrangements for the protection and safeguarding of classified information provided to the EU under this Agreement.

4. The European Commission Security Directorate, acting under the authority of the Member of the Commission responsible for security matters, shall develop the security arrangements for the protection of classified information provided or exchanged under this Agreement within the European Commission and its premises.

5. For the EU, the security arrangements mentioned in paragraph 1 shall be subject to approval by the Council Security Committee.

Article 12

The Authorities referred to in Article 11 shall establish procedures to be followed in the case of proven or suspected compromise of classified information provided or exchanged under this Agreement.

Article 13

Each Party shall bear its own costs incurred in implementing this Agreement.

Article 14

Before classified information is provided or exchanged between the Parties under this Agreement, the responsible security authorities referred to in Article 11 shall agree that the receiving Party is able to protect and safeguard the information in a way consistent with the arrangements to be established pursuant to that Article.

Article 15

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

Article 16

Any disputes between Liechtenstein and the EU arising out of the interpretation or application of this Agreement shall be addressed by negotiation between the Parties.

Article 17

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 laws 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 18

This Agreement may be denounced by one Party by written notice of denunciation given to the other Party. Such denunciation shall take effect six months after receipt of the notification by the other Party, but shall not affect obligations already entered into under 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 Brussels, on the sixth day of July in the year two thousand and ten in two copies, each in the English language.

For the Principality of Liechtenstein



For the European Union

