

Proactive Release

Date: 7 September 2021

The following Cabinet paper and related Cabinet minute have been proactively released by the Minister of Foreign Affairs:

Exchange of Notes to Amend the New Zealand – France Agreement Relating to the Protection of Classified (CAB-21-MIN-0256 refers)

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Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet External Relations and Security Committee: Period Ended 2 July 2021

On 5 July 2021, Cabinet made the following decisions on the work of the Cabinet External Relations and Security Committee for the period ended 2 July 2021:

ERS-21-MIN-0018 **Exchange of Notes to Amend the New Zealand - France Agreement Relating to the Protection of Classified Defence Information** CONFIRMED
Portfolio: Foreign Affairs

Michael Webster
Secretary of the Cabinet

Proactively Released by the
Minister of Foreign Affairs



Cabinet External Relations and Security Committee

Minute of Decision

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Exchange of Notes to Amend the New Zealand - France Agreement Relating to the Protection of Classified Defence Information

Portfolio **Foreign Affairs**

On 29 June 2021, the Cabinet External Relations and Security Committee:

- 1 **noted** that the *Agreement Between the Government of New Zealand and the Government of the French Republic Relating to the Protection of Classified Defence Information* (the Agreement) has been in force since 2013;
- 2 **agreed** that New Zealand may reply to France's initiating Note agreeing to France's proposed amendments to the Agreement;
- 3 **approved** the text of the Exchange of Notes to amend the Agreement, attached as Annexes I and II to the paper under ERS-21-SUB-0018, subject to any minor and technical changes arising as a result of translation or verification;
- 4 **noted** that the amendments will enter into force on the date France receives New Zealand's Note of reply;
- 5 **noted** that no changes to legislation are required in order to bring these amendments into force;
- 6 **noted** that there are no financial implications arising from these amendments;
- 7 **noted** that on 1 June 2021, the Minister of Foreign Affairs determined that the Agreement is not a major bilateral treaty of particular significance and, therefore, is not subject to the Parliamentary Treaty Examination process;
- 8 **authorised** officials to send New Zealand's reply Note.

Janine Harvey
Committee Secretary

Present: (see over)

Present:

Rt Hon Jacinda Ardern (Chair)
Hon Grant Robertson
Hon Kelvin Davis
Hon Andrew Little
Hon David Parker
Hon Nanaia Mahuta
Hon Poto Williams
Hon Kris Faafoi
Hon Peeni Henare
Hon Dr David Clark

Officials present from:

Office of the Prime Minister
Officials Committee for ERS

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Cabinet External Relations and Security Committee

Summary

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Exchange of Notes to Amend the New Zealand - France Agreement Relating to the Protection of Classified Defence Information

Portfolio Foreign Affairs

Purpose This paper seeks approval for New Zealand to sign an Exchange of Notes to amend the *Agreement Between the Government of New Zealand and the Government of the French Republic Relating to the Protection of Classified Defence Information* (the Agreement).

Previous Decisions None.

Proposal The Agreement has been in place since 2013. The Exchange of Notes (in **Annex I and Annex II**) will amend the Agreement to reflect changes to the French Government's national security classification system, and to make some other minor and technical changes to the text.

A consolidated text of the Agreement incorporating these changes is in **Annex III**.

Impact Analysis Not required.

Financial Implications None.

Legislative Implications None.

Timing Matters The amendments will enter into force on the date France receives New Zealand's Note of reply.

Communications None.

Consultation Paper prepared by MFAT. Defence, NZDF, GCSB, DPMC and NZSIS were consulted.

The Minister of Foreign Affairs indicates that ERS Ministers were consulted.

The Minister of Foreign Affairs recommends that the Committee:

- 1 note that the *Agreement Between the Government of New Zealand and the Government of the French Republic Relating to the Protection of Classified Defence Information* (the Agreement) has been in force since 2013;
- 2 agree that New Zealand may reply to France's initiating Note agreeing to France's proposed amendments to the Agreement;
- 3 approve the text of the Exchange of Notes to amend the Agreement, attached as Annexes I and II to the paper under ERS-21-SUB-0018, subject to any minor and technical changes arising as a result of translation or verification;
- 4 note that the amendments will enter into force on the date France receives New Zealand's Note of reply;
- 5 note that no changes to legislation are required in order to bring these amendments into force;
- 6 note that there are no financial implications arising from these amendments;
- 7 note that on 1 June 2021, the Minister of Foreign Affairs determined that the Agreement is not a major bilateral treaty of particular significance and, therefore, is not subject to the Parliamentary Treaty Examination process;
- 8 authorise officials to send New Zealand's reply Note.

Janine Harvey
Committee Secretary

Hard-copy distribution:

Cabinet External Relations and Security Committee

[In Confidence]

Office of the Minister of Foreign Affairs

Chair, External Relations and Security Committee

Exchange of Third Person Notes to amend the New Zealand-France Agreement relating to the Protection of Classified Defence Information: Approval

Proposal

- 1 It is proposed that Cabinet approve the text, and authorise the signature and entry into force, of an Exchange of Notes to amend the *Agreement between the Government of New Zealand and the Government of the French Republic relating to the Protection of Classified Defence Information*.

Background

- 2 Information Sharing Agreements (ISAs) establish the agreed conditions for the protection of classified information and materials shared between countries, in line with each country's respective laws and regulations, and international standards. They are helpful as we seek to broaden the range of material we see and share.
- 3 The current ISA between France and New Zealand has been in place since 2013.
- 4 The Exchange of Notes (**attached** as Annex I and Annex II) would amend the existing agreement by removing reference to the 'Confidential' classification (meaning future materials would be treated as secret) and by removing the word "Défense" from French classification labels. The Exchange of Notes will also make a few other minor changes to the text, including changing how the Parties are referred to and adding a new classification for NZ-France classified information. A consolidated text of the agreement integrating these modifications is **attached** as Annex III
- 5 The French Government has proposed these amendments to reflect a streamlining of its national security classification system. This does not change the scope of the Agreement, which will continue to only regulate the exchange of classified defence information.
- 6 These amendments will not apply retroactively, meaning documents classified under the existing system will continue to retain their current classifications and handling requirements by both countries. New documents classified after entry into force however, would be subject to the revised classification levels.
- 7 The amendments would enter into force when New Zealand formally confirms its acceptance of this proposal by sending a Note in reply.

Comment

- 8 New Zealand has no policy issue with the proposed French amendments which are minor and technical. Nevertheless, the ISA with France is a treaty-status agreement. These amendments have been agreed at officials' level between New Zealand and France and now require Cabinet approval.
- 9 On 1 June 2021 the Minister of Foreign Affairs determined that the Agreement is not a major bilateral treaty of particular significance and, therefore is not subject to the Parliamentary Treaty Examination process.

Financial implications

- 10 There are no financial implications.

Legislative implications

- 11 No change to New Zealand legislation or regulations is required in order to implement these amendments.

Consultation

- 12 The amendments proposed in this paper have been consulted with Ministry of Defence, New Zealand Defence Force, Department of Prime Minister and Cabinet, the New Zealand Security Intelligence Service, and the Government Communications Security Bureau.

Human rights

- 13 This are no human rights implications

Recommendations

The Minister of Foreign Affairs recommends that the Committee:

- 1 **Approve** the text of the Exchange of Notes in English and French (English version attached as Annexed I and II, with the French text still to be provided), both language texts to be equally valid, subject to any minor and technical changes arising as a result of translation or verification;
- 2 **Agree** that New Zealand may reply to France's initiating Note agreeing to France's proposed amendments;
- 3 **Note** that the amendments will enter into force on the date France receives New Zealand's Note of reply;
- 4 **Note** that no changes to legislation are required in order to bring this amendment into force;
- 5 **Note** that there are no financial implications arising from this amendment;

- 6 **Note** that on 1 June 2021 the Minister of Foreign Affairs determined that the Agreement is not a major bilateral treaty of particular significance and, therefore is not subject to the Parliamentary Treaty Examination process;
- 7 **Authorise** officials to send New Zealand's reply Note.

Authorised for lodgement

Hon Nanaia Mahuta
Minister of Foreign Affairs

Proactively Released by the
Minister of Foreign Affairs

Annex I: Initiating Note from France

The French Embassy presents its compliments to the New Zealand Ministry of Foreign Affairs and Trade and has the honour to convey the following information:

France is currently introducing a reform to its regulations concerning national defence secrets and secrecy levels. The new regulations will come into effect on July 1 2021.

This reform will rationalise the classification levels (from three levels at present – *Confidentiel Défense, Secret Défense and Très Secret Défense* – to two levels: *Secret and Très Secret*) and has the aim of reinforcing the rules of protection at each level and to guarantee that each level will have the equivalent protective measures to those specified by international standards

All classified information and materials issued before 1 July 2021, which shall remain marked by the old classification stamps, may continue to be exchanged in accordance with the equivalences in force before said date, including after the reform has come into effect. By contrast, the security agreements between France and its partners must be supplemented to organize the equivalent levels of protection to be accorded to French information and materials, or to jointly generated information and materials issued after 1 July 2021.

Consequently, with reference to the *Agreement between the Government of the French Republic and the Government of New Zealand relating to the Protection of Classified Defence Information (with one Annex)*, signed in Paris on 19 February 2013 (hereinafter termed “the Agreement”) and to the changes introduced to the French classification system, which will come into effect on 1 July 2021, the Government of the French Republic has the honour to propose that the Agreement be amended as follows:

1. The first, second and third paragraphs of the **recitals** are replaced as follows:

“The Government of the French Republic, hereinafter referred to as “the French Party”

And

The Government of New Zealand, hereinafter referred to as “the New Zealand Party”.

2. **Article 1** is modified as follows:

In the third paragraph, the words “*the Government of the French Republic*” and “*the Government of New Zealand*” are replaced respectively by the words “*the French Party*” and “*the New Zealand Party*”. The words “*one of them*” and “*by that government*” are replaced by “*one of said Parties*” and “*the Party in question*”.

3. In paragraph (1) of **Article 3**, sub-para (a) is replaced as follows:

“(a) For the French Republic

In principle:

Ministère des Armées

60, boulevard du Général Martial Valin
75509 Paris Cedex 15

Exceptionally, for subjects under its responsibility:

Secrétariat general de la défense et de la sécurité nationale (SGDSN)
51, boulevard de La Tour-Maubourg
75700 Paris 07 SP

4. **Article 5** is replaced as follows:

Article 5
Equivalent National Security Classifications

(1) With regard to the security measures prescribed by their respective national laws and regulations, the Parties undertake to assure the protection of the classified information exchanged between them and shall adopt the security levels defined in the table of equivalent classifications below:

FRANCE	NEW ZEALAND
<i>SECRET</i>	SECRET
<i>[No equivalent – the information shall be treated and protected as “SECRET”]</i>	CONFIDENTIAL
<i>DIFFUSION RESTREINTE</i> <i>See index (2) and (3) below</i>	RESTRICTED
<i>SECRET DEFENSE</i> <i>See index (4) below</i>	SECRET
<i>CONFIDENTIEL DEFENSE</i> <i>See index (4) below</i>	CONFIDENTIAL

(2) In the case of France, information received from New Zealand marked “RESTRICTED” shall be treated and protected according to the national laws and regulations applicable to information that is protected but not classified and that is marked “DIFFUSION RESTREINTE”.

(3) In the case of New Zealand, information received from France marked “DIFFUSION RESTREINTE” shall be treated and protected according to the national laws and regulations applicable to information that is protected but not classified and that is marked “RESTRICTED”.

(4) Levels of classification used in France before 1 July 2021

(5) In order to maintain the norms of comparable security, each Party, on the request of the other, shall provide all information required in connection with the national security laws, regulations and procedures implemented to ensure the security of the classified or protected information.

(6) The Parties shall keep each other informed of any change in the laws and regulations concerning the security of classified or protected information.

5. Article 6, paragraph (1) is modified as follows:

The words “*classified CONFIDENTIEL DEFENSE / CONFIDENTIAL or higher*” are replaced by the words “*classified CONFIDENTIEL DEFENSE or SECRET by the French Party and CONFIDENTIAL or SECRET by the New Zealand Party*”.

6. The following paragraph 3 is added to **Article 7**:

*“If the Originating Party, for particular security reasons, requires that access to the information exchanged pursuant to the present Agreement must be limited to persons having the nationality of one or other of the Parties, said information shall be additionally marked “SPECIAL FRANCE - NOUVELLE ZELANDE / FRANCE – NEW ZEALAND E*ES ONLY” ”.*

7. Article 10, paragraph (2) is modified as follows:

The words “*at the level of SECRET DEFENCE / SECRET*” are replaced by the words “*classified as SECRET DEFENCE or SECRET by the French Party and as SECRET by the New Zealand Party*”.

8. Article 12 is modified as follows:

Paragraph 8 is renumbered paragraph 9.

A new paragraph 8 is inserted, with the following wording:

“8. Exchanges of classified information pursuant to classified Contracts and security annexes concluded as from 1 July 2021, and any continuation of exchanges of classified information pursuant to classified Contracts and security annexes concluded prior to 1 July 2021 must comply with the equivalences defined in Article 5”.

A consolidated Agreement integrating these modifications is attached to the present verbal notice for information only.

If the Government of New Zealand agrees to the above proposal, the Government of the French Republic proposes that the present notice, together with the notice of acceptance by the Government of New Zealand, on the understanding that both French and English versions of said notices shall be considered equally valid, shall constitute an agreement modifying the *Agreement between the Government of the French Republic and the Government of New Zealand relating to the Protection of Classified Defence Information (with one Annex)*, signed in Paris on 19 February 2013, which shall enter into force upon receipt of New Zealand’s Note of Reply.

The French Embassy takes this opportunity to reiterate its high esteem for the Ministry of Foreign Affairs and Trade of New Zealand.

[...]

French Embassy in Wellington.

Annex II: Reply letter from New Zealand

The New Zealand Ministry of Foreign Affairs and Trade presents its compliments to the Embassy of France and has the honour to convey the following information:

The Ministry acknowledges receipt of the Embassy's note [no.] of [date] concerning proposed amendments to *the Agreement between the Government of the French Republic and the Government of New Zealand relating to the Protection of Classified Defence Information*. A copy of the Embassy's Third Person note is annexed for reference.

I have the honour to confirm that the proposals set out in the Embassy's note are acceptable to the New Zealand Government and that the originating note and this reply shall constitute an agreement between our two Governments on this matter, which will come into force upon receipt of New Zealand's Note of reply.

The New Zealand Ministry of Foreign Affairs and Trade takes this opportunity to renew to the Embassy of France the assurances of its highest consideration.

Ministry of Foreign Affairs and Trade
WELLINGTON

[Date]

Annex III: Consolidated Agreement Text

AGREEMENT

BETWEEN

THE GOVERNMENT OF THE FRENCH REPUBLIC

AND THE GOVERNMENT OF NEW ZEALAND

RELATING TO

THE PROTECTION OF CLASSIFIED DEFENCE INFORMATION

(WITH ONE ANNEX)

Proactively Released by the
Minister of Foreign Affairs

The Government of the French Republic, hereinafter referred to as "the French Party",
and

The Government of New Zealand, hereinafter referred to as "the New Zealand Party",
hereinafter jointly referred to as "the Parties",

Having an interest in the protection of classified defence information

Desiring to establish the conditions for the protection of classified defence information and materials exchanged or developed, by the Parties including provisions for exchange with public or private bodies in accordance with the Parties' respective laws and regulations,

have agreed as follows :

Article 1 Definitions

For the purposes of this Agreement,

"Classified contract", means a contract, sub-contract, a project or any other cooperative activities where access to classified information is required or where classified information may be generated;

"Classified information" means information that is generated by or for the French Party or the New Zealand Party or that is under the jurisdiction or control of one of said Parties, and which requires protection in the interests of the national security of the state in question and that the Party in question has so designated by assigning a security classification to said information. The information may be in oral, visual, electronic, or written form, or in the form of material including, equipment or technology;

"Competent Security Authorities", means the Authority or the competent body authorised according to the national laws and/or regulations of the Parties and which is responsible for the implementation of this Agreement;

"Contractor or sub-contractor" means an individual or legal entity who requires access to classified information, exchanged under this Agreement, for the provision of a contractual service or product;

"Host Party" means the Party in whose territory a visit takes place;

"Need to know" refers to the need for access to classified information as part of a recognised official function for a specific authorised purpose;

"Originating Party" means the Party that creates, delivers or transmits classified information to the Receiving Party;

"Receiving Party" means the Party that is the recipient of classified information transmitted by the Originating Party, and may include public or private agencies or organisations.

Article 2

Scope

This Agreement regulates the exchange of all classified defence information pertaining to matters of defence between the Parties, or between public or private bodies subject to their laws and national regulations.

Article 3

Competent Authorities

(1) The Competent Security Authorities responsible for the general control and putting in place of this Agreement are:

(a) For the French Republic:

In principle:

Ministère des Armées
60, boulevard du Général Martial Valin
75509 Paris Cedex 15

Exceptionally, for subjects under its responsibility:

Secrétariat général de la défense et de la sécurité nationale (SGDSN)
51, boulevard de La Tour-Maubourg
75700 Paris 07 SP

(b) For New Zealand:

Director of Defence Intelligence and Security
Directorate of Defence Intelligence & Security
HQ New Zealand Defence Force
WELLINGTON

(2) The Parties shall keep each other informed of all changes in the appointment of their Competent Security Authorities. Any change to the Competent Security Authority shall not constitute a formal amendment to this Agreement.

Article 4

Principles of Security

(1) In accordance with their national laws and regulations, the Parties shall take appropriate measures to protect classified information that is transmitted, received or created under the terms of this Agreement and provide a level of protection equivalent to such information that is accorded to their own national classified information, as defined in Article 5.

(2) The protection of classified information exchanged between the Parties is governed by the following principles:

(a) The Receiving Party shall give classified information that it receives a level of protection equivalent to those expressly applied to the information by the Originating Party, conforming to the equivalences defined in Article 5 of this Agreement.

- (b) Access to classified information and places where classified information is stored is strictly limited to nationals of the Parties who have been appropriately cleared to the required level and whose duties require access to such classified information on a need to know basis.
- (c) The Receiving Party shall not transmit the classified information to a third State, international organisation, entity or citizen of exclusively a third state without prior written approval of the Competent Security Authorities of the Originating Party.
- (d) Classified information may not be used for purposes other than those for which it is officially transmitted.
- (e) The Receiving Party must not downgrade or declassify transmitted classified information without the prior written approval of the Competent Security Authorities of the Originating Party.

Article 5
Corresponding Security Classifications

- (1) With regard to the security measures prescribed by their respective national laws and regulations, the Parties undertake to assure the protection of the classified information exchanged between them and shall adopt the security levels defined in the table of equivalent classifications below:

FRANCE	NEW ZEALAND
<i>SECRET</i>	SECRET
<i>[No equivalent - the information shall be treated and protected as "SECRET"]</i>	CONFIDENTIAL
<i>DIFFUSION RESTREINTE</i> <i>See index (2) and (3) below</i>	RESTRICTED
<i>SECRET DEFENSE</i> <i>See index (4) below</i>	SECRET
<i>CONFIDENTIEL DEFENSE</i> <i>See index (4) below</i>	CONFIDENTIAL

- (2) In the case of France, information received from New Zealand marked “RESTRICTED” shall be treated and protected according to the national laws and regulations applicable to information that is protected but not classified and that is marked “DIFFUSION RESTREINTE”.
- (3) In the case of New Zealand, information received from France marked “DIFFUSION RESTREINTE” shall be treated and protected according to the national laws and regulations applicable to information that is protected but not classified and that is marked “RESTRICTED”.
- (4) Levels of classification used in France before 1 July 2021:

- (5) To maintain the norms of comparable security, each Party, on the request of the other, shall provide all information required in connection with the national security laws, regulations and procedures implemented to ensure the security of the classified or protected information.
- (6) The Parties shall keep each other informed of any change in the laws and regulations concerning the security of classified or protected information.

Article 6 Security Clearances

- (1) For access to information classified CONFIDENTIEL DEFENSE or SECRET by the French Party and CONFIDENTIAL or SECRET by the New Zealand Party, each Party shall, in accordance with their respective national legislation and regulations, ensure that each person who has access to, or may require access to classified information pursuant to this Agreement, is cleared either to the same security level as the accessed information or to a higher level.
- (2) In the case of a security clearance for a national of one Party who has stayed or is still staying in the territory of the other Party, the Competent Security Authorities agree to assist each other in accordance with their national laws and regulations.

Article 7 Marking, Receipt and Modification

- (1) On receipt of classified information the Receiving Party shall apply its corresponding national classification stamps conforming to the equivalences defined in article 5 of this Agreement.
- (2) When an Originating Party changes the classification of any classified information exchanged pursuant to this Agreement, it shall advise the other Party of that change.
- (3) If the Originating Party for particular security reasons, requires that access to the information exchanged pursuant to the present Agreement must be limited exclusively to persons having the nationality of one or other of the Parties, said information shall be additionally marked "SPECIAL FRANCE – NOUVELLE-ZELANDE / FRANCE-NEW ZEALAND EYES ONLY".

Article 8 Disclosure

Classified information exchanged, transmitted or developed jointly by the two Parties under this Agreement, including classified contracts, may not be downgraded, declassified or transmitted to a third State, to a physical or legal person having nationality of a third State only, or to an international organisation, without prior written approval from the Originating Party.

Article 9 Mutual Security Information

- (1) The Parties will recognise the security clearances of the nationals of the other Party and will provide access to secure environments and information according to the security clearance held.

- (2) Upon request, if the Competent Security Authorities of a Party consider that an organisation registered in its national territory is the property of or is under the influence of a third State and disclosure of classified information to that organisation would threaten national security interests of either Party, a security clearance will not be issued. The Competent Security Authorities will advise each other where a clearance is not granted under this Article.
- (3) The Competent Security Authorities shall keep each other informed of changes concerning the security clearances of individuals or legal entities who are privy to information exchange pursuant to this Agreement, particularly in the case of the removal of a clearance or the downgrading of the level of clearance.

Article 10
Reproduction, Translation and Destruction

- (1) Upon receipt of duplicates or translations of originals classified information, the Receiving Party is to mark them as duplicates or translations accordingly. Such documents are to be afforded the same protection as the original document and must bear the same marking.
- (2) The translation and reproduction of information classified as SECRET DEFENSE or SECRET by the French Party and as SECRET by the New Zealand Party shall only be authorized with the written consent of the Competent Security Authority of the Originating Party.
- (3) Classified information shall be destroyed in accordance with the destruction standards prescribed in the respective Parties national laws and regulations.
- (4) Upon destruction of a classified document by the Receiving Party, a written certificate of destruction must be held. This certificate will be provided to the Originating Party by the Receiving Party upon request.

Article 11
Transmission of information

1. Classified information shall be transmitted from one Party to the other through diplomatic channels or through other channels mutually agreed by the Parties, in accordance with national laws and regulations of the Parties.
2. Prior to the receipt of classified information, the Competent Security Authority of the Receiving Party is to:
 - (a) ensure that its relevant installations have the appropriate protective security measures for hosting classified information and allocate the required facility clearance to such installations ;
 - (b) prescribe the level of security clearance a person must hold before receiving classified information ;
 - (c) ensure that all persons who have access to classified information are informed of their responsibilities arising from national laws and regulations ;
 - (d) ensure the receipt of classified information is confirmed in writing to the Originating Party as soon as possible.

3. Prior to the sending of classified information, the Competent Security Authority of the Originating Party is to :
 - (a) ensure that the representative of the Originating Party who delivers the classified information:
 - (i) has an appropriate security clearance;
 - (ii) is a government employee or is an employee of the Originating Party.
 - (b) ensure that the representative of the Originating Party who delivers the classified information carries a document issued by the Competent Security Authority that outlines:
 - (i) the authority for the individual to carry classified information;
 - (ii) the point of contact for the Originating Party; and
 - (iii) the point of contact for the Receiving Party.
 - (c) update the record of classified information that is transferred and provide a copy of this record to the Receiving Party upon request.
 - (d) ensure that the classified information is properly packaged and sealed in accordance with its national laws and regulations;
4. Electronic transmission of classified information is to be made in encrypted form only, using encryption methods and devices mutually agreed by the respective Competent Security Authorities.

Article 12 **Classified Contracts**

1. Prior to a contract being entered into between a Contractor and a Party, or between two Contractors, which may involve the exchange of classified information, the security provisions of the contract shall be approved by the Competent Security Authority of the Originating Party
2. The Competent Security Authorities of both Parties shall fully and openly inform each other of any classified information disclosed during pre-contractual negotiations.
3. The Competent Security Authorities of both Parties shall notify each other of any relevant classified contract before the exchange of classified information.
4. In the event that a Contractor enters into a contract with a Contractor of the other Party, the respective Competent Security Authorities shall take all necessary measures to ensure that the Contractors have the appropriate level of clearance required for the execution of that classified contract.
5. In the event that a Party enters into a classified contract with a Contractor within the jurisdiction of the other Party or a Party authorises a Contractor registered under the law of that Party, or operating on the territory of that Party to enter into a classified contract on the territory of the other Party, the Competent Security Authorities of the other Party is to :
 - a. Ensure that the relevant Contractor has received authorisation and the appropriate clearance from the relevant Competent Security Authorities;

- b. Ensure appropriate measures of security are in place to protect classified information in accordance with national laws and regulations of the Receiving Party.
6. Any contract or subcontract involving classified information shall include provisions concerning security. These provisions shall give effect to the provisions of this Agreement and to any other conditions on the use of classified information imposed by the Originating Party. Only the Originating Party may modify the level of classification of information or authorise further disclosure.
7. The Competent Security Authority of the Originating Party shall transmit a copy of the security annex of the Contract to the Competent Security Authorities of the Receiving Party.
8. Exchanges of classified information pursuant to classified Contracts and security annexes concluded as from 1 July 2021, and any continuation of exchanges of classified information pursuant to classified Contracts and security annexes concluded prior to 1 July 2021 must comply with the equivalences defined in Article 5.
9. Before entering into a classified contract with a sub-contractor, the Contractor shall receive authorisation of its Competent Security Authorities. The sub-contractor shall be subject to security obligations compliant with those established for the Contractor

Article 13 **Visits**

- (1) Visits by nationals of a Party onto the site of the other Party where classified information is held, are permitted provided that prior written approval for such visits has been given by the Competent Security Authority of the Host Party. Visits by nationals of third States to areas where classified information is exchanged between the Parties may only be authorised upon the mutual agreement of the Parties.
- (2) Requests for visits by a Party shall be transmitted through diplomatic channels, or through other channels mutually agreed by the Parties, to the Competent Security Authority of the Host Party. Applications must be made at least three weeks before the date of the visit. The requests for visits shall contain the information specified in the Annex to this Agreement.
- (3) A Party may request permission to visit for a maximum period of twelve months. If a particular visit may not be concluded within the period specified by the authorisation to visit, or if an extension of the period covered by the authorisation of access is required, the Requesting Party may request a new authorisation visit provided it is carried out at least three weeks before the current authorisation expires.
- (4) All visitors must comply with the national laws and regulations, and instructions of the Host Party.
- (5) Visits will be authorised only if the individual has the required level of security clearance and has a need to know.

Article 14
Multiple Visits

- (1) For any project, programme or classified contract, the Parties may draw up lists of authorised personnel to make multiple visits in accordance with the terms and conditions agreed upon by the Competent Security Authorities of the Parties. Initially, these lists are valid for a period of twelve months, and, by agreement between the Competent Security Authorities of the Parties, the validity period may be extended for further periods not exceeding twelve months in total.
- (2) The lists referred to above are established and fixed in accordance with the arrangements current to the Host Party. Once these lists have been approved by the Competent Security Authorities of the Parties, the arrangements for visits by such authorised personnel may be made directly with the Competent Security Authorities or facility to be visited

Article 15
Control of Installations

- (1) Each Party shall conduct security inspections in its establishments and contractor facilities that hold classified information transmitted, exchanged or jointly produced pursuant to this Agreement.
- (2) Conforming to the procedures stated in this Agreement the Competent Security Authorities or their approved representatives of each Party may, upon request, visit the sites and installations on the territory of the other party to examine the protection measures put in place to ensure the security of classified information which is transmitted pursuant to this Agreement.

Article 16
Breach of Security

- (1) In the event of a suspected or confirmed compromise of classified information , including unauthorised use or loss, or any violation of the appropriate national regulations for the protection of classified information transmitted pursuant to this Agreement, the Competent Security Authorities of the other Party shall be informed in writing without undue delay.
- (2) Notification must be sufficiently detailed so that the Originating Party can start a complete evaluation of the consequences.
- (3) The Receiving Party shall lead an inquiry (with, if necessary, the help of the other Party) and take any appropriate measures, in accordance with its national laws and regulations, in order to limit the consequences and prevent any recurrence. The Receiving Party shall inform the Originating Party through the Competent Security Authorities of the results of the enquiry and any measures taken to avoid further compromises.

Article 17
Costs

Unless otherwise agreed by the Parties, each Party shall bear its own costs in respect of activities conducted pursuant to this Agreement.

Article 18
Settlement of Disputes

Any dispute relating to the interpretation or the application of this Agreement shall be settled exclusively by consultation and negotiation between the Parties.

Article 19
Final Provisions

- (1) Each Party shall notify the other of the completion of its internal procedures necessary to bring the agreement into force, which shall occur on the day the second notification is received. The Parties have decided to give effect to the provisions of this Agreement with respect to any information exchanged prior to its entry into force.
- (2) This Agreement may be amended at any time with mutual agreement by writing between the Parties. Amendments will enter into force by the same procedure as described in Paragraph 1 of this Article.
- (3) The Annex forms an integral part of this Agreement
- (4) This Agreement shall remain in force for an indefinite period. Either Party may terminate the Agreement by giving six months notice in writing through diplomatic channels to the other Party.
- (5) Obligations concerning the protection of classified information exchanged under this Agreement shall continue notwithstanding termination of the Agreement.
- (6) In the event of termination, any classified contracts or sub-contracts shall continue to be treated in accordance to the provisions of this Agreement unless otherwise agreed by the Parties.

IN WITNESS WHEREOF, the undersigned, being duly authorised thereto by their respective Governments have signed this Agreement.

Signed in two copies in Paris on 19 February 2013, each copy in both English and French, with both versions having equal binding force.

ANNEX

The request for visits must contain the following information:

- a) Full name of the visitor, date and place of birth, nationality and passport number;
- b) Employment and duties of the visitor, name of the establishment or the organisation which employs them;
- c) Level of security clearance of the visitor, authenticated by a certificate of security to be provided by the Requesting Party;
- d) Proposed date of the visit and anticipated duration;
- e) Purpose of the visit and any useful indications on the subject to be treated and the levels of classification for the classified information;
- f) Name of establishments, installations and localities, purposes of the visit;
- g) Full names of persons who should receive the visitor, if possible;
- h) Date, signature and appenditure of the authorised official stamp (of the Competent Security Authority).

Proactively Released by the
Minister of Foreign Affairs