

**No. 25278**

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**SPAIN  
and  
NORWAY**

**Agreement concerning the protection of classified information (with annexed protocol). Signed at Madrid on 17 June 1986**

*Authentic texts: Spanish and Norwegian.*

*Registered by Spain on 14 September 1987.*

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**ESPAGNE  
et  
NORVÈGE**

**Accord sur la protection des renseignements à caractère secret (avec protocole annexé). Signé à Madrid le 17 juin 1986**

*Textes authentiques : espagnol et norvégien.*

*Enregistré par l'Espagne le 14 septembre 1987.*

## [TRANSLATION — TRADUCTION]

AGREEMENT<sup>1</sup> BETWEEN THE KINGDOM OF SPAIN AND THE KINGDOM OF NORWAY CONCERNING THE PROTECTION OF CLASSIFIED INFORMATION

The Kingdom of Spain and the Kingdom of Norway, with a view to guaranteeing the security of all information pertaining to defence, classified by the competent authorities of one of the Parties, and conveyed to the other Party through those authorities or bodies expressly authorized for the purpose, either in order to meet the needs of public administration or in pursuance of contracts between the State and public or private agencies of the two countries, and in accordance with the provisions of paragraph 5 of the Exchange of Notes concerning co-operation in matters of defence, signed at Madrid on 3 May 1985,<sup>2</sup> have agreed as follows:

*Article 1.* Each of the two Parties, being aware of the legislation in force in the other Contracting country concerning the security of classified information, declares that it is satisfied with the protection afforded by such legislation.

*Article 2.* Each Party shall in accordance with its national legislation, take appropriate measures to ensure that the classified information exchanged is protected by the laws in force in each country.

*Article 3.* Detailed regulations concerning the implementation of measures for the protection and transmittal of information, and visits and inspections in connection with the exchange of classified material of the kind covered by this Agreement, and also for the security clearance of individuals shall be set forth in a specific Protocol.

*Article 4.* This Agreement, together with the Protocol supplementing it, shall constitute the joint rules on security applicable to any agreements on co-operation involving the exchange of classified information which may be concluded between the two Governments.

*Article 5.* The protection envisaged in this Agreement shall apply both to information exchanged while the Agreement is in force and to information furnished under co-operation agreements or contracts covered by the Agreement even if the transmittal of the information takes place after the Agreement has been denounced by one of the Parties.

*Article 6.* The government authority responsible for security under this Agreement shall be:

In the case of Spain: El Director General del Centro Superior de Información de la Defensa (The Director-General of the Central Authority for Defence Information);

<sup>1</sup> Came into force on 30 July 1987, the date of the last of the notifications (effected on 2 and 30 July 1987) by which the Parties informed each other of the completion of the necessary internal requirements, in accordance with article 8.

<sup>2</sup> United Nations, *Treaty Series*, vol. 1429, No. I-24232.

In the case of Norway: Forsvarets overkommando/Sikkerhetsstaben (Supreme Command of the Armed Forces Security Unit) or other designated authority.

*Article 7.* The protection of classified information exchanged between the two Governments shall be governed by the following principles:

7.1. The receiving Government shall not convey the information to any third party without the approval of the sending Government.

7.2. The receiving Government shall afford the information the same degree of protection as that afforded by the sending Government, where expressly indicated by the latter.

7.3. The information received shall be used solely for the purposes specified in the co-operation agreements or contracts governing the transmittal of such information.

7.4. The receiving Government shall respect private rights, such as patents, copyrights or trade secrets which are involved in the information received.

*Article 8.* This Agreement shall enter into force on the date on which the two Parties notify each other of the completion of the formalities prescribed for the purpose by their national legislation. It shall remain in force for five years and may be renewed automatically for successive two-year periods unless one of the Parties gives notice to the contrary to the other Party at least six months before the expiry of the aforesaid terms.

DONE at Madrid on 17 June 1986, in duplicate in the Spanish and Norwegian languages, both texts being equally authentic.

For the Kingdom of Spain:

[Signed]

JOSÉ ANTONIO ANDRÉS JIMÉNEZ  
Director General of Armaments  
and Matériel  
Madrid

For the Kingdom of Norway:

[Signed]

BJÖRN BLAKSTAD  
Ambassador of Norway  
Madrid

#### PROTOCOL ANNEXED TO THE SPANISH-NORWEGIAN AGREEMENT CONCERNING THE PROTECTION OF CLASSIFIED INFORMATION

This Protocol sets forth the detailed regulations for the general organization of security, as provided in article 3 of the Agreement concerning the protection of classified information between the Kingdom of Spain and the Kingdom of Norway, signed at Madrid on 17 June 1986 by representatives of the two countries, of which it forms an integral part.

*Article 1.* The two Parties, being aware of the security measures provided for in their respective national laws, specified in the annex to this Agreement, for

the protection of information assigned various classifications, have agreed to adopt the following table of equivalent classification categories:

<i>Spain</i>	<i>Norway</i>
SECRETO	STRENGT HEMMELIG (TOP SECRET)
RESERVADO	HEMMELIG (SECRET)
CONFIDENCIAL	KONFIDENSIELT (CONFIDENTIAL)
DIFUSIÓN LIMITADA	BEGRENSET (RESTRICTED)

*Article 2.* For the purposes of this Agreement, classified information means information which, in the national security interest of the sending country and in accordance with the laws and regulations in force in that country, requires protection from unauthorized disclosure, as determined by the authority concerned. It includes written, oral or visual information recorded in any manner on any physical material capable of storing or transporting it.

*Article 3.* Any contract involving the transmittal of classified information shall include a "security annex" referring to this Protocol.

This security annex may be supplemented or amended when any changes occur in the original list of contents of the information to be protected or in its classification.

*Article 4.* The security annex to be incorporated in each contract shall indicate the following:

4.1. The classified information to be exchanged and the classification assigned to each item of information.

4.2. The authorities or agencies of the two Governments which are competent to authorize the dissemination and co-ordinate the security of the classified information covered by the contract.

4.3. The channels used for the transmittal of classified information between the authorities and contractors concerned.

4.4. The procedures or machinery for reporting any changes regarding the information to be protected, either because of reclassification or because protection is no longer necessary.

4.5. Formalities and procedures for visits by or access of personnel of one country to installations or enterprises of the other country that are involved in the contract.

4.6. Procedures for the conduct of security inspection by representatives of one Government at installations or enterprises in which the classified information is stored.

*Article 5.* The national security authorities or corresponding bodies of each country shall guarantee the security of the classified information within their national territory, applying the rules set out in this Protocol concerning:

5.1. Determination of the security capability of enterprises involved in the execution of contracts.

5.2. Institution of protection measures for each category of classification and verification of their application, especially within the enterprises concerned.

5.3. Processing of security clearances for persons who will need to have access to the classified information.

5.4. Requirement concerning authorization of access to classified information in the case of persons who, being duly cleared, need to have such access.

*Article 6.* No persons may have access to classified information unless they fulfil the following requirements:

6.1. They must need access to the classified information for the purpose of their official duties.

6.2. They must have been given security clearance by the competent authority.

6.3. They must be informed of their responsibility for complying with the national requirements concerning the protection of classified information and the specific provisions of the bilateral Agreement.

6.4. They must have for each contract, special authorization for access to the classified information connected with the contract concerned.

*Article 7.* Any breach of the confidentiality, or loss or endangerment of classified information received under the Agreement concerning the protection of classified information shall be dealt with in accordance with the legislation in force in the receiving country for the protection of its own classified information, and the Government of the other country shall be informed as soon as possible of the incident and of the measures taken and their results.

*Article 8.* Upon the expiry of each security annex, the receiving country shall consult the sending country to determine the length of time it shall be required to continue to protect the information received. The sending country may require the return of information when it deems such action expedient except in the case of information considered necessary for the handling and maintenance of material kept in the receiving country after the expiry of the security annex.

*Article 9.* The Government of the country sending visitors to enterprises or installations of the other country shall transmit appropriate applications for authorization, which shall contain the following data:

9.1. Name of the proposed visitor, date and place of birth, nationality and passport number.

9.2. Official title of the visitor and the name of the enterprise or body which he represents or to which he belongs.

9.3. Security clearance category of the visitor.

9.4. Name and address of the enterprise or installation to be visited.

9.5. Name and title of the person or persons to be visited, where known.

9.6. Purpose of the visit.

9.7. Date of the visit or duration of the authorization for the visit.

Applications for the approval of visits must reach the authorities of the receiving country at least 30 (thirty) days before the scheduled date of the visit.

[The security annex of each contract shall specify the procedures to be followed in requesting authorization for the visits.]<sup>1</sup>

<sup>1</sup> The paragraph within brackets does not appear in the authentic Norwegian text.

The national authorities responsible for processing applications in connection with visits are:

In Spain: Director General de Armamento y Material (Director-General for Armaments and Materiel) P° de la Castellana, 109 28071 Madrid Tel.: 4.55.50.00;

In Norway: Forsvarets overkommando/Sikkerhetsstaben (Supreme Command of the Armed Forces/Security Unit)

or other designated authority.

The Government receiving the application shall be responsible for informing the contractor concerned of the proposed visit and shall be empowered to authorize or refuse the visit.

*Article 10.* Inspections and verifications relating to the application and effectiveness of measures to ensure the protection of the classified information transmitted by one Government to the other shall be carried out by representatives of the competent body of the national security authority of the receiving country.

A representative of the sending country may participate in such inspections or verifications subject to authorization at the discretion of the receiving country. For that purpose, the competent authorities of the country providing the classified information shall inform the authorities of the other country of its general wish to participate in such inspections.

*Article 11.* The release or dissemination for publicity purposes of information relating to classified contracts is prohibited.

However, unclassified information may be released for such purposes subject to prior agreement between the two Parties.

*Article 12.* The receiving Government shall be responsible for the information received from the time of receipt, when it is either within its national territory or in the possession of persons authorized by that Government to travel to a foreign country in accordance with this Protocol.

*Article 13.* This Protocol shall enter into force and remain in force and may be denounced in accordance with the requirements laid down in article 8 of the Agreement concerning protection of classified information, to which this Protocol is annexed.

Denunciation of this Protocol shall not imply discontinuance of the measures to protect the classified information exchanged before the Agreement ceases to have effect.

DONE at Madrid on 17 June 1986 in duplicate in the Spanish and Norwegian languages, both texts being equally authentic.

For the Kingdom of Spain:

[*Signed*]

JOSÉ ANTONIO ANDRÉS JIMÉNEZ  
Director-General of Armaments  
and Matériel  
Madrid

For the Kingdom of Norway:

[*Signed*]

BJÖRN BLAKSTAD  
Ambassador of Norway

Madrid