

No. 26761

**UNITED STATES OF AMERICA
and
LUXEMBOURG**

Agreement concerning general security of military information. Signed at Luxembourg on 17 September 1981

Authentic text: English.

Registered by the United States of America on 8 August 1989.

**ÉTATS-UNIS D'AMÉRIQUE
et
LUXEMBOURG**

Accord relatif à la sécurité générale des informations militaires. Signé à Luxembourg le 17 septembre 1981

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 8 août 1989.

AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND THE GRAND DUCHY OF LUXEMBOURG CONCERNING GENERAL SECURITY OF MILITARY INFORMATION

The Government of the United States of America and
The Government of the Grand Duchy of Luxembourg
Agree on following dispositions:

1. All classified military information communicated directly or indirectly between our two governments shall be protected in accordance with the following principles:

a. The recipient government will not release the information to a third government or any other party without the approval of the releasing government;

b. The recipient government will afford the information a degree of protection equivalent to that afforded by the releasing government;

c. The recipient government will not use the information for other than the purpose for which it was given; and

d. The recipient government will respect private rights, such as patents, copyrights, or trade secrets which are involved in the information.

2. Classified military information and material shall be transferred only on a government-to-government basis and only to persons who have appropriate security clearance for access to it.

3. For the purpose of this agreement classified military information is that official military information or material which in the interests of national security of the releasing government, and in accordance with applicable national laws and regulations, requires protection against unauthorized disclosure and which has been designated as classified by appropriate security authority. This includes any classified information, in any form, including written, oral, or visual. Material may be any document, product, or substance on, or in which, information may be recorded or embodied. Material shall encompass everything regardless of its physical character or make-up including, but not limited to, documents, writing, hardware, equipment, machinery, apparatus, devices, models, photographs, recordings, reproductions, notes, sketches, plans, prototypes, designs, configurations, maps and letters, as well as all other products, substances, or items from which information can be derived.

4. Information classified by either of our two governments and furnished by either government to the other through government channels will be assigned a classification by appropriate authorities of the receiving government which will assure a degree of protection equivalent to that required by the government furnishing the information.

5. This Agreement shall apply to all exchanges of classified military information between all agencies and authorized officials of our two governments. However, this Agreement shall not apply to classified information for which separate security agreements and arrangements already have been concluded. Details regarding chan-

¹ Came into force on 17 September 1981 by signature.

nels of communication and the application of the foregoing principles shall be the subject of such technical arrangements (including an Industrial Security Arrangement) as may be necessary between appropriate agencies of our respective governments.

6. Each government will permit security experts of the other government to make periodic visits to its territory, when it is mutually convenient, to discuss with its security authorities its procedures and facilities for the protection of classified military information furnished to it by the other government. Each government will assist such experts in determining whether such information provided to it by the other government is being adequately protected.

7. The recipient government will investigate all cases in which it is known or there are grounds for suspecting that classified military information from the originating government has been lost or disclosed to unauthorized persons. The recipient government shall also promptly and fully inform the originating government of the details of any such occurrences, and of the final results of the investigation and corrective action taken to preclude recurrences.

8. *a.* In the event that either government or its contractors award a contract involving classified military information for performance within the territory of the other government, then the government of the country in which performance under the contract is taking place will assume responsibility for administering security measures within its own territory for the protection of such classified information in accordance with its own standards and requirements.

b. Prior to the release to a contractor or prospective contractor of any classified military information received from the other government, the recipient government will:

(1) Insure that such contractor or prospective contractor and his facility have the capability to protect the information adequately;

(2) Grant to the facility and appropriate security clearance to this effect;

(3) Grant appropriate security clearance for all personnel whose duties require access to the information;

(4) Insure that all persons having access to the information are informed of their responsibilities to protect the information in accordance with applicable laws;

(5) Carry out periodic security inspections of cleared facilities;

(6) Assure that access to the military information is limited to those persons who have a need to know for official purposes. A request for authorization to visit a facility when access to the classified military information is involved will be submitted to the appropriate department or agency of the government of the country where the facility is located by an agency designated for this purpose by the other government; this request will include a statement of the security clearance, the official status of the visitor and the reason for the visit. Blanket authorizations for visits over extended periods may be arranged. The government to which the request is submitted will be responsible for advising the contractor of the proposed visit and for authorizing the visit to be made.

9. Costs incurred in conducting security investigations or inspections required hereunder will not be subject to reimbursement.

DONE at Luxembourg, the 17th September 1981.

[*Signed*]

EMILE KRIEPS
Minister of Public Force
For the Government
of Luxembourg

[*Signed*]

CHARLES HIGGINSON
Chargé d'Affaires a.i.
For the Government
of the United States of America
