

AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA
AND
THE GOVERNMENT OF THE REPUBLIC OF KAZAKHSTAN
ON MUTUAL PROTECTION OF CLASSIFIED INFORMATION

The Government of the Republic of Lithuania and the Government of the Republic of Kazakhstan (hereinafter referred to as the “Parties”),

Wishing to further develop and strengthen their mutual political, economic, technical and military cooperation and cooperation on national security matters,

Underlining the importance of information exchange for tackling contemporary security challenges;

Realising that effective co-operation may require exchange of classified information between the Parties;

Desiring to regulate the issues of mutual protection of classified information which is exchanged between the states of the Parties or which is generated within the framework of this Agreement;

Have agreed as follows:

Article 1
Definitions

This Agreement defines the following:

1) “Classified information” means information, documents and materials which is exchanged and/or generated in the process of cooperation with no respect to its form, nature or way of exchange, to which a classification marking has been attributed and which, in the interests of national security and in accordance with national legislations of the states of the Parties, require protection against disclosure, loss, destruction, damage, misappropriation or misuse.

2) “Classification marking” means a mark assigned to classified information, which indicates the classification level of classified information, which characterises the importance of classified information, level of restriction of access to it and level of protection.

3) “Security clearance” means a positive determination stemming from a national vetting procedure that shall ascertain the right of an individual to access classified information, and the right of a legal entity to execute actions related to the use of classified information in accordance with national legislations of the states of the Parties.

4) “Access to classified information” means a process of getting acquainted with the classified information by an individual who has been issued an appropriate security clearance.

5) “Competent authority” means the state authority of the Party, defined in the article 5 of this Agreement, which in accordance with national legislations of the states of the Parties controls and coordinates the protection of the classified information, and is responsible for the implementation of the provisions of this Agreement.

6) “Authorized body” means a state institution which, in accordance with national legislations of the states of the Parties, is authorised to generate, receive, provide, store, use, and protect the classified information which is exchanged and/or generated in the process of cooperation between the states of the Parties.

7) “Originating Party” means an authorized body or the competent authority, which provides the classified information.

8) “Receiving Party” means an authorized body or the competent authority, which receives the classified information.

9) “Contract” means a contract between authorized bodies and legal entities, if it is not in conflict with national legislations of the states of the Parties, the conclusion and execution of which requires use and/or generation of classified information.

Article 2
Objective

The objective of this Agreement is to ensure mutual protection of classified information which is exchanged and/or generated in the process of co-operation between the states of the Parties.

Article 3
Classification markings correspondence

1. The Parties determine that, in accordance with this Agreement and the national legislations of the states of the Parties, the classification levels and equivalent classification markings shall be corresponding as follows:

For the Republic of	For the Republic	Equivalent in Russian	Equivalent in
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Lithuania	of Kazakhstan		English
VISIŠKAI SLAPTAI	ӨТЕ ҚҰПИЯ	СОВЕРШЕННО СЕКРЕТНО	TOP SECRET
SLAPTAI	ҚҰПИЯ	СЕКРЕТНО	SECRET
KONFIDENCIALIAI	ҚҰПИЯ	СЕКРЕТНО	CONFIDENTIAL

2. The Republic of Lithuania shall mark the classified information transmitted by the Republic of Kazakhstan as ҚҰПИЯ/СЕКРЕТНО with classification marking SLAPTAI/SECRET. The Republic of Kazakhstan shall mark the classified information transmitted by the Republic of Lithuania as KONFIDENCIALIAI/CONFIDENTIAL with classification marking ҚҰПИЯ/СЕКРЕТНО.

3. The Republic of Lithuania shall mark the information which the Republic of Kazakhstan marked as ҚЫЗМЕТ БАБЫНДА ПАЙДАЛАНУ ҮШІН/ДЛЯ СЛУЖЕБНОГО ПОЛЬЗОВАНИЯ with classification marking RIBOTO NAUDOJIMO/RESTRICTED. The Republic of Kazakhstan shall mark the information which the Republic of Lithuania marked with classification marking RIBOTO NAUDOJIMO/RESTRICTED as ҚЫЗМЕТ БАБЫНДА ПАЙДАЛАНУ ҮШІН/ ДЛЯ СЛУЖЕБНОГО ПОЛЬЗОВАНИЯ.

Article 4

Information protection measures

1. The Parties shall implement all appropriate measures for protection of the exchanged and/or generated classified information in compliance with the national legislations of the states of the Parties and this Agreement.

2. Access to the classified information shall be granted only to those individuals who need the classified information for the performance of their official duties and who have been issued an appropriate security clearance.

3. The Receiving Party is obligated:

1) not to provide to the third party access to the classified information exchanged and/or generated in the process of cooperation without prior written consent of the competent authority of the state of the other Party;

2) not to use the classified information for another aims than those it has been provided for.

4. The provisions of paragraphs 1 and 3 of Article 4 shall also be applied to the respective information marked in accordance with paragraph 3 of Article 3 of this Agreement.

5. The Receiving Party shall mark the received classified information with the classification marking, corresponding to the classification marking specified by the Originating Party in accordance with the Article 3 of the this Agreement.

6. The state of the one Party shall not change the classification marking of the classified information exchanged and/or generated in the process of cooperation without a prior written consent of the state of the other Party.

Article 5

Competent Authorities

1. The Parties shall define their competent authorities in accordance with the national legislation of their states and showing their contacts shall inform each other about it via diplomatic channels. The Parties shall inform immediately about the change of the competent authorities as well as the point of contacts.

2. The competent authorities shall inform each other of the national legislation in force regulating the protection of the classified information, and about any changes in the

legislation, which affects the protection of the classified information in accordance with this Agreement.

3. In order to ensure close cooperation and implementation of this Agreement, the competent authorities may hold consultations at the request of one of them.

Article 6

Means of transfer of information

1. The decision on transfer of the classified information shall be taken by the Parties on a case-by-case basis in accordance with the national legislation of the states of the Parties.

2. Transfer of the classified information shall be performed via diplomatic channels or by other means, approved in advance by the competent authorities of the states of the Parties.

3. If the transferred classified information is marked VISIŠKAI SLAPTAI/ӨТЕ ҚҰПИЯ/СОВЕРШЕННО СЕКРЕТНО/ТОП SECRET or SLAPTAI/ҚҰПИЯ/СЕКРЕТНО/SECRET the Receiving Party shall confirm in writing the receipt of such classified information. The receipt of other classified information shall be confirmed by telecommunication systems, networks or other electronic means.

4. The means of transfer of a large consignment of the classified information shall be determined by the competent authorities of the states of the Parties on a case-by-case basis.

5. The provisions of paragraphs 2 and 4 of this Article shall also be applied to the respective information marked in accordance with paragraph 3 of Article 3 of this Agreement.

Article 7
Handling of information

1. The classified information marked VISIŠKAI SLAPTAI/ӨТЕ ҚҰПИЯ/СОВЕРШЕННО СЕКРЕТНО/ТОР SECRET or SLAPTAI/ҚҰПИЯ/СЕКРЕТНО/SECRET shall be reproduced only by written permission of the Originating Party. Such permission shall not be required for the first copy of translation into the national (state) languages of the states of the Parties.

2. All translations or reproductions of the classified information shall be made by individuals who have appropriate security clearance.

3. When the classified information is translated or reproduced, all original classification markings shall also be marked on each copy. The number of copies shall be limited to that required for official purposes. The provisions of this paragraph shall also be applied to the respective information marked in accordance with paragraph 3 of Article 3 of this Agreement.

4. The classified information as well as information marked in accordance with paragraph 3 of Article 3 of this Agreement shall be destroyed insofar as to prevent the possibility of its reconstruction in whole or in part. The Receiving Party shall notify in written form the Originating Party about the destruction of the classified information.

5. The classified information marked VISIŠKAI SLAPTAI/ӨТЕ ҚҰПИЯ/СОВЕРШЕННО СЕКРЕТНО/ТОР SECRET shall not be destroyed and shall be returned to the Originating Party except in cases defined in paragraph 8 of this Article.

6. The classified information marked ҚҰПИЯ/SLAPTAI/СЕКРЕТНО/SECRET and ҚҰПИЯ/KONFIDENCIALIAI/СЕКРЕТНО/CONFIDENTIAL shall be destroyed after receiving a written permission of the Originating Party.

7. Information with classification marking RIBOTO NAUDOJIMO/RESTRICTED and information marked as ҚЫЗМЕТ БАБЫНДА ПАЙДАЛАНУ ҮШІН/ ДЛІЯ СЛУЖЕБНОГО ПОЛЬЗОВАНИЯ shall be destructed without permission of the Originating Party.

8. In case of emergency, which makes it impossible to protect and return the classified information exchanged and/or generated according to this Agreement the classified information shall be destructed immediately. The Receiving Party shall notify in written form the Originating Party about the destruction of the classified information immediately.

Article 8

Contracts

1. Contracts shall include at least the following:

- the list of classified information to be released in the process of cooperation and its classification marking;

- security requirements and handling conditions of classified information exchanged and/or generated in the process of cooperation;

- settlement of disputes, assessment and reimbursement of possible damage caused by unauthorised disclosure of classified information exchanged and/or generated in the process of cooperation.

2. Before the transfer of the classified information to the legal entity, which intends to conclude a contract, the Receiving Party shall confirm to the Originating Party that such legal entity has an appropriate security clearance.

3. Competent Authorities of the states of the Parties in accordance with the national legislation of their states control the protection of classified information exchanged and/or generated in the process of implementation of contracts.

Article 9

Visits

1. Access to the classified information to the representatives of the state of the Visiting Party shall be granted only with a prior written authorisation of the competent authority of the state of the Hosting Party.

2. The request for visit shall be made at least 30 days prior to the visit and contain the following information:

1) full name of the visitor, date and place of birth, nationality and passport (ID card) number;

2) position title of the visitor and name of the organisation he/she represents;

3) possession of appropriate security clearance;

4) purpose, planned date and duration of the visit;

5) names of facilities to be visited;

6) position and full name of the representatives of the state of the Hosting Party to be visited.

3. The representatives of the state of one Party visiting the territory of the state of the other Party shall obey the national legislation of the state of the Hosting Party.

Article 10
Breach of security

1. In case of unauthorised disclosure of classified information, loss, destruction, damage, misappropriation or misuse of any classified information the relevant competent authority shall inform the other competent authority as soon as possible and shall ensure the appropriate investigation. Competent authorities shall, if required, cooperate in the investigation.

2. The provisions of paragraph 1 of this Article shall also be applied to the respective information marked in accordance with paragraph 3 of Article 3 of this Agreement.

3. The competent authority completed the investigation shall inform the other competent authority as soon as possible about circumstances, results of the investigation, taken measures and actions taken to eliminate the breach of security.

4. Issues on damages caused by unauthorised disclosure of classified information shall be resolved by consultations and negotiations between the Parties.

Article 11
Expenses

States of the Parties shall bear their expenses incurred in the course of implementation of this Agreement in accordance with their national legislation.

Article 12
Settlement of disputes

1. Any dispute regarding the interpretation or application of this Agreement shall be resolved exclusively by consultations and negotiations between the Parties.

2. The Parties shall act in accordance with the provisions of this Agreement until all disputes are settled.

Article 13
Amendments and additions

This Agreement may be amended and/or added on the basis of mutual written consent by both Parties. The amendments and additions shall be an integral part of this Agreement and shall be drawn up in separate protocols. Such protocols shall enter into force in accordance with the Article 14 paragraph 1 of this Agreement.

Article 14
Final Provisions

1. This Agreement is concluded for an indefinite period of time and enters into force on the 30th day after the receipt of the latest written notice via diplomatic channels whereby the Parties inform each other of fulfilment of all internal legal procedures necessary for its entry into force.

2. Each Party may terminate this Agreement by written notice forwarded to the other Party via diplomatic channels. In such case this Agreement shall expire 6 (six) months after the date of the receipt of such notice.

3. Despite the termination of this Agreement, all exchanged and/or generated classified information shall be protected in accordance with the provisions laid down in this Agreement until the Parties dispenses each other from this obligation giving a written notice via diplomatic channels.

Done in Astana on the 19th of May, 2015 in two copies, each in Lithuanian, Kazakh, English and Russian languages, all texts being equally authentic. In case of any divergence of interpretation of provisions of this Agreement, the Parties shall follow the English language text.

**For the Government of
the Republic of Lithuania**

**For the Government of
the Republic of Kazakhstan**