



Treaty Series No. 17 (2017)

Exchange of Notes

Amending the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Poland concerning the Mutual Protection of Classified Information done at Warsaw on 18 August 2006

Warsaw, 9 and 15 February 2017

[The Exchange of Notes entered into force on 1 April 2017]

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
July 2017*



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**EXCHANGE OF NOTES AMENDING THE AGREEMENT BETWEEN THE
GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND AND THE GOVERNMENT OF THE REPUBLIC OF
POLAND CONCERNING THE MUTUAL PROTECTION OF CLASSIFIED
INFORMATION DONE AT WARSAW ON 18 AUGUST 2006**

No. 1

British Embassy Warsaw to the Ministry of Foreign Affairs of the Republic of Poland

9 February 2017

The British Embassy in Warsaw presents its compliments to the Ministry of Foreign Affairs of the Republic of Poland and has the honour to refer to the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Poland concerning the Mutual Protection of Classified Information, done at Warsaw on 18 August 2006 and to recent discussions between officials of our two Governments concerning the desirability of amending the aforesaid Agreement because of changes to the United Kingdom Classification System which came into effect on 2 April 2014.

In accordance with the amendment procedures of Article 16(2) of the Agreement, the Government of the United Kingdom of Great Britain and Northern Ireland has the honour to propose that the Agreement be amended as follows:

- 1) Article 3 shall be deleted and replaced with:

“1. For the purpose of this Agreement the equivalent security classifications are:

IN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND	IN THE REPUBLIC OF POLAND
UK TOP SECRET	ŚCIŚLE TAJNE
UK SECRET	TAJNE
No equivalent (see paragraph 2 of this Article)	POUFNE
UK OFFICIAL-SENSITIVE	ZASTRZEŻONE

2. The United Kingdom of Great Britain and Northern Ireland shall afford POUFNE Classified Information an equivalent level of protection as it would for UK SECRET.

3. In the event that Classified Information at the UK TOP SECRET / ŚCIŚLE TAJNE level needs to be exchanged, separate provisions shall be agreed between the Parties.”;

- 2) Article 4, paragraph 1 shall be deleted and replaced with:

“1. The National Security Authorities responsible for the security of Classified Information in each country are:

For the United Kingdom of Great Britain and Northern Ireland:

Cabinet Office
70 Whitehall
London
SW1A 2AS
UNITED KINGDOM

For the Republic of Poland:

Szef Agencji Bezpieczeństwa Wewnętrznego
ul. Rakowiecka 2A
00-993 Warszawa
POLAND”;

- 3) Article 6, paragraph 2, sub-paragraph 1 shall be deleted and replaced with:

“1) Afford information received from the other Party at least a level of security protection that is afforded to Classified Information of an equivalent classification originated by the Recipient Party;”;

- 4) Article 8, shall be deleted and replaced with:

“1. Classified Information at the UK SECRET / TAJNE or POUFNE levels shall be transmitted between the two countries in accordance with the national law and regulations of the Originating Party. The normal route shall be through diplomatic channels, but other arrangements may be established if mutually acceptable to the respective Competent Security Authorities.

2. Classified Information at the UK OFFICIAL-SENSITIVE / ZASTRZEŻONE level shall be transmitted in accordance with the national law and regulations of the Originating Party.”;

- 5) Article 10, paragraph 7 shall be deleted and replaced with:

“7. Visits relating to Classified Information at the UK OFFICIAL-SENSITIVE / ZASTRZEŻONE level shall be arranged directly between the sending establishment and the establishment to be visited.”;

- 6) Article 11, paragraph 1 shall be deleted and replaced with:

“1. When proposing to place, or authorising a Contractor in its country to place, a Contract involving Classified Information at the UK SECRET / TAJNE or POUFNE level with a Contractor in the other country, the Originating Party shall obtain prior assurance from the Competent Security Authority of the other country that the proposed Contractor is security cleared to the appropriate level, and also has suitable security safeguards to provide adequate protection for Classified Information. The assurance shall carry a responsibility that the security measures applied by the cleared Contractor shall be in accordance with national law and regulations and monitored by his Competent Security Authority.”;

7) Article 12, paragraph 2 shall be deleted and replaced with:

“2. When requested, the Competent Security Authority shall establish the security clearance status of the Contractor or individual which is the subject of the enquiry and forward a security clearance assurance if the Contractor or individual is already cleared. If the Contractor or individual does not have a security clearance, or the clearance is at a lower security level than that which has been requested, notification shall be sent that the security clearance assurance cannot be issued immediately, but that action is being taken to process the request. Following successful enquiries an assurance of Facility Security Clearance or Personnel Security Clearance shall be provided. A Facility Security Clearance is not required for information at the UK OFFICIAL-SENSITIVE / ZASTRZEŻONE level.”.

If the foregoing proposal is acceptable to the Government of the Republic of Poland, the British Embassy in Warsaw has the honour to propose that this Note and the Ministry's reply shall constitute an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Poland amending the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Poland concerning the Mutual Protection of Classified Information, done at Warsaw on 18 August 2006, which shall enter into force on the first day of the second month following the date of receipt of the Ministry's reply.

The British Embassy in Warsaw avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of Poland the assurance of its highest consideration.

No. 2

Ministry of Foreign Affairs of the Republic of Poland, to the British Embassy Warsaw

15 February 2017

The Ministry of Foreign Affairs of the Republic of Poland presents its compliments to the Embassy of the United Kingdom of Great Britain and Northern Ireland in Warsaw and has the honour to confirm the receipt of your Note No 008/2017 of 9th of February 2017 proposing to amend the Agreement between the Government of the Republic of Poland and the Government of the United Kingdom of Great Britain and Northern Ireland concerning the Mutual Protection of Classified Information done at Warsaw on 8 August 2006¹ which reads as follows:

[As in No. 1]

The Ministry of Foreign Affairs of the Republic of Poland has the honour to confirm that the foregoing proposals are acceptable to the Government of the Republic of Poland and Note No 008/2017 dated 9th of February 2017 from the Embassy of the United Kingdom of Great Britain and Northern Ireland in Warsaw and this Note of reply shall constitute an Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Poland amending the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Republic of Poland

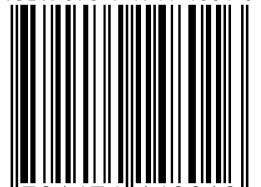
¹ Incorrect date given in Note 2. This should read 18 August 2006.

concerning the Mutual Protection of Classified Information, done at Warsaw on 18 August 2006, which shall enter into force on the first day of the second month following the date of receipt of this reply Note.

The Ministry of Foreign Affairs of the Republic of Poland has therefore the honour to request that the Embassy of the United Kingdom of Great Britain and Northern Ireland in Warsaw confirm the date of receipt of this Note and thus set the date of the entry into force of the Agreement.

The Ministry of Foreign Affairs of the Republic of Poland avails itself of this opportunity to renew to the Embassy of the United Kingdom of Great Britain and Northern Ireland in Warsaw the assurance of its highest consideration.

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