

- 17 -

APPENDIX 2 (Revised) to
THE IMPLEMENTING PROCEDURES

TITLES AND ADDRESSES

- (a) Of appropriate Defence Agencies and their Officials.
- (b) Of Patent Offices and their Special Secrecy Sections and their Special Departments for handling inventions and patent applications subject to secrecy restrictions.
- (c) Of the National Agency to which the announcement concerning the removal of secrecy should be forwarded (Paragraph C of the Procedures).

(a) BELGIUM	<ul style="list-style-type: none"> * Ministère de la Défense nationale, SGR-SDRA, Sécurité industrielle, avenue Jules Bardet, 75 B-1140 - Bruxelles * Enquiries concerning authorised Patent Agents : M, le Président de l'autorité nationale de sécurité, c/o Ministère des Affaires étrangères, Rue Quatre-Bras, 2 B-1000 - Bruxelles
CANADA	<ul style="list-style-type: none"> * Director of Intellectual Property and Proprietary Rights, Department of National Defense, Ottawa, Ontario, K1A 0K2
DENMARK	<ul style="list-style-type: none"> * Danish Defence Intelligence Service Kastellet DK-2100 Copenhagen Ø
FRANCE	<ul style="list-style-type: none"> (1) Requests for Secrecy : Ministère de la Défense Délégation Générale pour l'Armement Direction des personnels et affaires générales Sous-Direction des affaires générales Bureau des Brevets et Inventions 14, rue Saint Dominique 75997 Paris Armes (2) Enquiries concerning authorised Patent Agents : Ministère de l'Industrie et de la recherche Commissariat Général à la mobilisation industrielle 8, rue Léonard de Vinc. 75116-Paris
FEDERAL REPUBLIC OF GERMANY	<ul style="list-style-type: none"> * Bundesministerium der Verteidigung, 53 Bonn 1 Postfach 161

- 17 -

- 18 -

GREECE	Ministry of National Defence, Supreme Command of the Armed Forces, Research Department, Chologas, Athens
ITALY	Ministero della Difesa Ufficio Centrale Attivamenti Militari, 3 ^a Reparto-Servizio Militari Braccio, Via Mellini, 19, Roma
LUXEMBOURG	Ministère de la Force Publique, Caserne du Saint-Esprit, Luxembourg, Boîte postale 315
NETHERLANDS	Ministerie van Defensie, Afdeling Civielrecht, Begijnstraat 36, 2511 CK DEN HAAG
NORWAY	Ministry of Defence Materielavdelingen Oslo Dep Oslo 1
PORTUGAL	Secretariado General de Defesa Nacional 3 ^a Repartição, Rua do Cabo de Moura 1, Lisboa
TURKEY	Ministry of Industry, Direction of Industrial Property, Ankara
UNITED KINGDOM	Ministry of Defence, Procurement Executive Inventions Unit, /Sy IS & TI Sovey Hill House London, WC2R 0BX
UNITED STATES	Secretary, Armed Services Patent Advisory Board, Patents Division, Office of the Judge Advocate General, Department of the Army, Washington D.C. 20310
(5) BELGIUM	Ministère des Affaires économiques, Service de la Propriété Industrielle et Commerciale, rue J.A. De Mot, 24-26, B-1040 - Bruxelles

- 19 -

CANADA	The Commissioner of Patents, The Patent Office, Ottawa, Ontario K1A 0G9
DENMARK	The Patent Office, 45 Nyropsgade, Copenhagen V
FRANCE	Institut National de la Propriété Industrielle 26bis, rue de Leningrad, 75800 Paris
FEDERAL REPUBLIC OF GERMANY	Deutsches Patentamt, 8 München 2, Zweibrückenstrasse 12
GREECE	Ministry of National Economy, Section of Industrial Property, Office of Secret Inventions, Canningo Square, Athens
ITALY	Ministero dell'Industria, del Commercio e dell'Artigianato, Ufficio Centrale Brevetti, Via Mellini 19, Roma
LUXEMBOURG	Service de la Propriété Industrielle, 19, avenue de la Porte-Neuve, Luxembourg
NETHERLANDS	De Octrooiraad Patentlaan 2, 2288 EE RIJSWIJK (ZH)
NORWAY	The Patent Office Patentavdelingen Oslo Dep Oslo 1
PORTUGAL	Office of Industrial Property
TURKEY	
UNITED KINGDOM	The Comptroller - General of Patents The Patent Office, 5 Division, 25, Southampton Buildings, Chancery Lane London, WC2A 1AY
UNITED STATES	Commissioner of Patents and Trademarks, Attention Licensing and Review Branch, Washington, D.C. 20231
(c) BELGIUM	Ministère de la Défense nationale, SGR-SDRA, Sécurité industrielle, Avenue Jules Bardet, 75, B-1140 - Bruxelles

- 19 -

- 20 -

CANADA	<ul style="list-style-type: none"> Director of Intellectual Property and Proprietary Rights, Department of National Defence, Ottawa, Ontario K1A 0K2
DENMARK	<ul style="list-style-type: none"> Danish Defence Intelligence Service Kastellet DK-2100 Copenhagen Ø
FRANCE	<ul style="list-style-type: none"> Ministère de la Défense Délégation Générale pour l'Armement Direction des personnels et affaires générales Sous-direction des affaires générales Bureau des Brevets et Inventions 14, rue Saint Dominique 75997 Paris Armées
FEDERAL REPUBLIC OF GERMANY	<ul style="list-style-type: none"> Bundesministerium der Verteidigung, 53 Bonn 1, Postfach 161
GREECE	<ul style="list-style-type: none"> Ministry of National Defence, Supreme Command of the Armed Forces, Research Department, Cholorgae, Athens
ITALY	<ul style="list-style-type: none"> Ministero della Difesa, Ufficio Centrale Alimenti Militari, 3° Reparto Sezione Militare Brevetti, Via Mellini 19, Roma
LUXEMBOURG	<ul style="list-style-type: none"> Ministère de la Force Publique, Caserne du Saint-Esprit, Luxembourg, Boîte postale 315
NETHERLANDS	<ul style="list-style-type: none"> Ministerie van Defensie, Afdeling Civielrecht, Begijnestraat 36, 2511 CK DEN HAAG
NORWAY	<ul style="list-style-type: none"> Ministry of Defence Materiellavdelingen Oslo Dep Oslo 1
PORTUGAL	<ul style="list-style-type: none"> Secretaria da General da Defesa Nacional, 2ª Repartição, Rua da Cova da Moura 1, Lisboa
TURKEY	<ul style="list-style-type: none"> (Chemical and Mechanical Industry) Makine Kimya Endüstrisi Kurumu, İhtira Beratları Bürosu, Ankara
UNITED KINGDOM	<ul style="list-style-type: none"> Ministry of Defence, Procurement Executive Inventions Unit, /S/ (S & T) Savay Hill House London, WC2R 0BX

- 20 -

- 21 -

UNITED STATES - Secretary,
Armed Services Patent Advisory Board,
Patents Division,
Office of the Judge Advocate General,
Department of the Army,
Washington, D.C. 20310

Brussels, April 1981

- 21 -

- 23 -

APPENDIX 3 to
THE IMPLEMENTING PROCEDURES

NATIONAL SECURITY CLASSIFICATIONS
WITH THEIR NATO EQUIVALENTS

	COSMIC TOP SECRET	NATO SECRET	NATO CONFIDENTIAL	NATO RESTRICTED
BELGIUM	TRES SECRET ZEER GEHEIM	SECRET GEHEIM	CONFIDENTIEL VERTROUWELIJK	DIFFUSION RESTREINTE BEPERKTE VERSPREIDING
CANADA	TOP SECRET TRES SECRET	SECRET SECRET	CONFIDENTIAL CONFIDENTIEL	RESTRICTED DIFFUSION RESTREINTE
DENMARK (1)	YDERST HEMMELOGT	HEMMELOGT	FORTROLIGT	TIL TJENESTEBRUG
FRANCE (2)	TRES SECRET	SECRET DEFENSE	CONFIDENT EL DEFENSE	DIFFUSION RESTREINTE
FEDERAL REP OF GERMANY	STRENG GEHEIM	GEHEIM	VS-VERTRAULICH	VS NUR FUER DEN DIENSTGEBRAUCH
GREECE	AKPΩΣ ΑΠΟΡΡΗΤΟΝ	ΑΠΟΡΡΗΤΟΝ	ΕΜΠΙΣΤΕΥΤΙΚΟΝ	ΠΕΡΙΟΡΙΣΜΕΝΗΣ ΧΡΗΣΕΩΣ
ITALY	SEGRETISSIMO	SEGRETO	RISERVATISSIMO	RISERVATO
LUXEMBOURG	TRES SECRET	SECRET	CONFIDENTIEL	DIFFUSION RESTREINTE
NETHERLANDS	ZEER GEHEIM	GEHEIM	CONFIDENTIEEL of VERTROUWELIJK	DIENSTGEHEIM
NORWAY	STRENGT HEMMELOGT	HEMMELOGT	KONFIDENSIELT	BEGRENSET
PORTUGAL	MUITO SEGRETO or SEGRETISSIMO	SEGRETO	CONFIDENCIAL	RESERVADO
TURKEY	ÇOK GIZLI	GIZLI	OZEL	HIZMETE OZEL
UNITED KINGDOM	TOP SECRET	SECRET	CONFIDENTIAL	RESTRICTED
UNITED STATES (3)	TOP SECRET	SECRET	CONFIDENTIAL	

(1) It is not absolutely necessary to use the security classification TIL TJENESTEBRUG (RESTRICTED) nationally as every official document is regarded as being RESTRICTED unless the contents have been published or are intended for publication. When the Danish Government releases a document to NATO, the document will bear a security classification, if protection as classified is desired.

(2) In France, the classification TRES SECRET is reserved for government use on the authority of the Prime Minister.

(3) The United States does not use the classification RESTRICTED in its national system. NATO documents are handled in accordance with procedures equivalent to those required under NATO CONFIDENTIAL classification except for storage procedures which, in effect, are equivalent to those required under the NATO RESTRICTED classification.

- 23 -

N.B. DEFINITIONS OF NATO SECURITY CLASSIFICATIONS

1. TOP SECRET

This security classification will be applied only to information the unauthorized disclosure of which would result in exceptionally grave damage to the North Atlantic Treaty Organization.

2. SECRET

This security classification will be applied to information the unauthorized disclosure of which would result in serious damage to NATO.

3. CONFIDENTIAL

This security classification will be applied to information the unauthorized disclosure of which would be prejudicial to the interests of NATO.

4. RESTRICTED

This security classification will be applied to information the unauthorized disclosure of which would be undesirable to the interests of NATO.

- 25 -

D. DATES OF THE ENTERING INTO FORCE OF THE AGREEMENT AND ITS IMPLEMENTING PROCEDURES FOR EACH SIGNATORY PARTY

COUNTRIES	AGREEMENT		IMPLEMENTING PROCEDURES
	DEPOSIT OF THE INSTRUMENTS OF RATIFICATION OR APPROVAL	ENTERING INTO FORCE	ENTERING INTO FORCE
BELGIUM	20th October, 1961	19th November, 1961	23rd September, 1964
CANADA	2nd August, 1972	1st September, 1972	12th January, 1973
DENMARK	15th November, 1961	15th December, 1961	2nd June, 1965
FRANCE	18th January, 1965	17th February, 1965	19th March, 1965
FEDERAL REPUBLIC OF GERMANY	6th January, 1964	5th February, 1964	9th October, 1964
GREECE	15th August, 1963	14th September, 1963	20th January, 1965
ITALY	25th July, 1974	24th August, 1974	-
LUXEMBOURG	1st February, 1967	3rd March, 1967	31st October, 1969
NETHERLANDS	8th September, 1971	8th October, 1971	11th April, 1972
NORWAY	13th December, 1960	12th January, 1961	28th June, 1965
PORTUGAL	11th May, 1965	10th June, 1965	17th November, 1969
TURKEY	20th February, 1962	22nd March, 1962	9th April, 1970
UNITED KINGDOM	13th October, 1961	12th November, 1961	23rd September, 1964
UNITED STATES	8th December, 1960	12th January, 1961	3rd September, 1969

- 25 -

NORTH ATLANTIC TREATY ORGANIZATION



**NATO AGREEMENT
ON THE COMMUNICATION
OF TECHNICAL INFORMATION
FOR DEFENCE PURPOSES**



BRUSSELS - APRIL 1971

**NATO AGREEMENT ON THE COMMUNICATION OF
TECHNICAL INFORMATION FOR DEFENCE PURPOSES**

**IMPLEMENTING PROCEDURES FOR THE NATO AGREEMENT ON THE
COMMUNICATION OF TECHNICAL INFORMATION FOR DEFENCE PURPOSES**

**COUNCIL RESOLUTION FOR APPLYING TO NATO ORGANIZATIONS
THE NATO AGREEMENT ON THE COMMUNICATION OF TECHNICAL
INFORMATION FOR DEFENCE PURPOSES**

-1-

TABLE OF CONTENTS

This publication contains the following texts prepared by the NATO Working Group on Industrial Property (AC/94):

	<u>Pages</u>
(a) ANALYSIS OF THE "NATO AGREEMENT ON THE COMMUNICATION OF TECHNICAL INFORMATION FOR DEFENCE PURPOSES" (NOTED BY THE NATO COUNCIL ON 14TH MAY, 1968)	2 - 5
(b) NATO AGREEMENT ON THE COMMUNICATION OF TECHNICAL INFORMATION FOR DEFENCE PURPOSES. (SIGNED BY THE NATO PERMANENT REPRESENTATIVES ON 19TH OCTOBER, 1970 - ENTERED INTO FORCE ON 7TH FEBRUARY, 1971)	6 - 11
(c) IMPLEMENTING PROCEDURES FOR THE "NATO AGREEMENT ON THE COMMUNICATION OF TECHNICAL INFORMATION FOR DEFENCE PURPOSES" (APPROVED BY THE NATO COUNCIL ON 1ST JANUARY, 1971)	12 - 20
(d) COUNCIL RESOLUTION FOR APPLYING TO NATO ORGANIZATIONS THE "NATO AGREEMENT ON THE COMMUNICATION OF TECHNICAL INFORMATION FOR DEFENCE PURPOSES" (APPROVED BY THE NATO COUNCIL ON 24TH MARCH, 1971)	21

-1-

-2-

ANALYSIS OF THE NATO AGREEMENT ON THE COMMUNICATION
OF TECHNICAL INFORMATION FOR DEFENCE PURPOSES

1. On several occasions, a great number of difficulties and reluctances on the part of the owners of proprietary technical information were evidently experienced when communicating and using such information for defence purposes as no multilateral agreement exists in this field. While there are indeed bilateral agreements on the exchange of proprietary technical information in force between the United States and most of the other member countries of NATO, similar agreements between other NATO Allies are rather unusual. Moreover, a careful scrutiny shows that even the bilateral agreements with the United States present certain differences, in general minor ones, which however, might create difficulties when the exchange of technical information is extended to more than two countries.

2. The participation of NATO Organizations in such exchanges would add particular difficulties to those already met when countries are involved in the communication or use of proprietary technical information. On several occasions in the past, in particular in the elaboration of common production programmes, the absence of such a multilateral agreement on the communication and use of technical information has led to the adoption of separate solutions which sometimes required a long time for elaboration.

3. In preparing the Agreement on the Communication of Technical Information for Defence Purposes the Working Group on Industrial Property has tried to solve the above-mentioned difficulties. To this end, in drafting this Agreement the aim of the Working Group was twofold:

- on the one hand, to secure a sufficient safeguarding of the rights of the owners of proprietary technical information when this information is communicated for defence purposes;
- on the other hand, to establish a system applicable in the framework of NATO taking special account of the particular nature of NATO Organizations which would make the communication and use of proprietary technical information for defence purposes easier and would thus permit a progressive enlargement of the exchange of technical information within NATO.

4. This twofold aim should be reached taking into account the existing national legislation and the new Agreement should be applied without any, even minor modifications to the legislation in force in each of the countries signatory parties to the Agreement. Although the Agreement aims mainly at multilateral exchanges as well as those occurring within the framework of NATO, it is drafted in such a way that it could also be used on a bilateral basis if so desired by the countries.

-2-

-3-

5. The scope of the Agreement covers the communication and use of proprietary technical information for defence purposes when the communication of this technical information occurs between governments, between NATO Organizations or between governments and NATO Organizations, whether this information belongs to governments, NATO Organizations or individuals. The Agreement does not cover the communication of proprietary technical information between individuals and the use that might result from such communication whether those transactions are effectuated directly between those concerned or through the governments when the governmental intervention is limited to operations of control or transmission of the technical information through secure channels.

6. The authors of the draft Agreement were guided by the following principles:

- (a) The rights of the injured owners vis-à-vis any government or any NATO Organization shall be safeguarded.
- (b) The owner of technical information shall be compensated when the technical information communicated is disclosed or used without his authorization or not in accordance with the conditions under which it was communicated to a recipient.
- (c) It is in the interests of the parties to have at their disposal a procedure of amicable settlement permitting, in the case of dispute, to search for the basis of a solution satisfactory to the parties and which would be more rapid and less expensive than a possible recourse to the courts.

7. As regards compensation the Agreement provides that:

- (a) the obligation for compensation will rest with the Recipient⁽¹⁾ responsible for the unauthorized communication or use. When the Recipient is a government compensation for the damage will be made in accordance with its laws and regulations; the authors of the draft Agreement considered that when the Recipient is a NATO Organization,

(1) The term "Recipient" means any Government Party to this Agreement or NATO Organization receiving technical information communicated as proprietary either directly by the Government or Organization of Origin or through another Recipient (Article I(e)).

-3-

-4-

the law to be applied shall be, unless otherwise agreed by the Parties concerned, the one in force in the country where the headquarters of this Organization is located;

- (b) if the Government or Organization of Origin itself compensates the owner, the amount to be paid by the Recipient will not be affected by the amount of compensation paid by the Government or Organization of Origin unless otherwise agreed.

8. The Agreement does not contain provisions concerning internal measures to be taken either by the Governments or Organizations of Origin or by the Recipients when transmitting to private firms or to individuals proprietary technical information communicated under the Agreement. The Working Group on Industrial Property considers, in fact, that it is incumbent upon each country or NATO Organization to take in this respect the measures it deems necessary in the framework of its own responsibilities. The Working Group, furthermore, considers that it also falls within these responsibilities to give instructions to experts and officials participating in NATO meetings with regard to Proprietary Rights problems. The authorities concerned should do their utmost to ascertain that those participating in such meetings be sufficiently acquainted with the rules to be observed in order to ensure the safeguarding of Proprietary Rights relating to technical information which may be communicated at such meetings.

9. As regards the procedure of an amicable settlement the main feature of which is constituted by the establishment of an Advisory Committee, (Article III. C) the Agreement has been broadly inspired by the Council Resolution on the "Provisions for Setting up an Ad Hoc Committee in the Event of Damage from Disclosure or Use of Inventions or Technical Information within the Framework of the North Atlantic Treaty Organization" (document C-M(60)60). The role of the Advisory Committee is normally limited to the examination of the facts and the establishing for the governments concerned of its considered opinion on the elements which would constitute a basis for a fair and reasonable compensation. It will be useful, in particular, when a NATO Organization is party to a dispute resulting from the unauthorized communication or use of proprietary technical information.

10. The Agreement provides in Article IX that any party may withdraw one year after notice of denunciation has been given to the Government of the United States of America. This denunciation shall not affect any obligations already contracted and the rights or prerogatives previously acquired by parties and will take place automatically upon expiry of the period of one year following the notification to the Government of the United States of America.

-4-

- 5 -

11. The Agreement is completed on the one hand by *Implementing Procedures* and on the other hand by a Council Resolution. The *Implementing Procedures* regroup all the practical provisions and measures for the implementation of the undertakings contained in the Agreement and in particular those relating to its application to NATO Organizations and to the operation of an Advisory Committee. The Council Resolution, defines, in conformity with Article VIII of the Agreement, the dates on which the said Agreement will begin or will cease to apply to NATO Organizations.

- 5 -

NATO AGREEMENT ON THE COMMUNICATION OF TECHNICAL INFORMATION FOR DEFENCE PURPOSES

The Governments of Belgium, Canada, Denmark, France, the Federal Republic of Germany, Greece, Italy, Luxembourg, the Netherlands, Norway, Portugal, Turkey, the United Kingdom and the United States of America;

Parties to the North Atlantic Treaty signed in Washington on 4th April, 1949;

Considering that Article III of the North Atlantic Treaty provides that the Parties will maintain and develop their individual and collective capacity to resist armed attack by means of self-help and mutual assistance;

Considering that such capacity could be developed inter alia by the communication among Governments Parties and NATO Organizations of proprietary technical information to assist in defence research, development and production of military equipment and material;

Considering that rights of owners of proprietary technical information thus communicated should be recognized and protected;

Have agreed on the following provisions:

ARTICLE I

For the purpose of this Agreement:

- (a) the term "for defence purposes" means for strengthening the individual or collective defence capabilities of the Parties to the North Atlantic Treaty either under national, bilateral or multilateral programmes, or in the implementation of NATO research, development, production or logistics projects;
- (b) the term "proprietary technical information" means information which is technical in character, sufficiently explicit for use and has utility in industry, and which is known only to the owner and persons in privity with him and therefore not available to the public. Proprietary technical information may include, for example, inventions, drawings, know-how and data;
- (c) the term "NATO Organization" means the North Atlantic Council and any subsidiary civilian or military body, including International Military Headquarters, to which apply the provisions of either the Agreement on the Status of the North Atlantic Treaty Organization, National Representatives and International Staff signed in Ottawa on 20th September, 1951, or the Protocol on the Status of International Military Headquarters set up pursuant to the North Atlantic Treaty, signed in Paris on 28th August, 1952;

-7-

(d) the term "Government or Organization of Origin" means the Government Party to this Agreement or NATO Organization first communicating technical information as being proprietary;

(e) the term "Recipient" means any Government Party to this Agreement or any NATO Organization receiving technical information communicated as proprietary either directly by the Government or Organization of Origin or through another Recipient;

(f) the term "disclosure in confidence" means disclosure of technical information to a limited number of persons who undertake not to disclose the information further except under the conditions specified by the Government or Organization of Origin;

(g) the term "unauthorized disclosure" refers to any communication of proprietary technical information which is not in accordance with the conditions under which it was communicated to the Recipient;

(h) the term "unauthorized use" refers to any use of proprietary technical information made without prior authorization or not in accordance with the conditions under which it was communicated to a Recipient.

ARTICLE II

A. When for defence purposes, technical information is communicated by a Government or Organization of Origin, to one or more Recipients as proprietary technical information, each Recipient shall, subject to the provisions of paragraph B of this Article, be responsible for safeguarding this information as proprietary technical information which has been disclosed in confidence. The Recipient shall treat this technical information in accordance with any conditions imposed and take appropriate steps compatible with these conditions to prevent this information from being communicated to anyone, published or used without authorization or treated in any other manner likely to cause damage to the owner. If a Recipient should desire to have the imposed conditions modified, this Recipient shall, unless otherwise agreed, address any request to this effect to the Government or Organization of Origin from which the proprietary technical information was received.

B. If a Recipient ascertains that any part of the technical information communicated to it as proprietary technical information was, at the time of the communication, already in its possession or available to it, or was then or at any time becomes available to the public, the Recipient shall, so far as security requirements permit, notify the Government or Organization of Origin of that fact as soon as possible and if necessary make any appropriate arrangements with the latter for continuation of confidence, for maintenance of defence security and for return of documents.

-7-

-8-

C. Nothing in this Agreement shall be considered as limiting any defence available to a Recipient in any disagreement resulting from any communication of technical information.

ARTICLE III

A. If the owner of proprietary technical information which has been communicated for defence purposes suffers damage through unauthorized disclosure or use of the information by a Recipient or anyone to whom this Recipient has disclosed the information, this Recipient shall compensate the owner:

- when it is a government, in conformity with the national law of this Recipient;
- when it is a NATO Organization, unless otherwise agreed by the parties concerned, in conformity with the law of the country in which the Headquarters of this Organization is located.

Such compensation shall be made either directly to the owner or to the Government or Organization of Origin if the latter itself compensates the owner. In the latter case, the amount to be paid by the Recipient will not be affected by the amount of compensation paid by the Government or Organization of Origin, unless otherwise agreed.

B. Recipients and the Government or Organization of Origin, so far as their security requirements permit, shall furnish each other with any evidence and information available and accord other appropriate assistance to determine damage and compensation.

C. At the request of a Government Party to this Agreement or a NATO Organization concerned, an Advisory Committee composed solely of representatives of the Governments and NATO Organizations involved in the transaction may be created to investigate and examine evidence and report to the parties concerned on the origin, nature and scope of any damage. This Committee may request the Secretary General of the North Atlantic Treaty Organization to designate a member of the International Staff to be a member of the Committee as an observer or as a representative of the Secretary General.

D. Nothing in this Article shall impair any rights that the injured owner may have against any Government or NATO Organization,

-8-

-9-

ARTICLE IV

The Governments Parties to this Agreement shall develop within the North Atlantic Council procedures for the implementation of this Agreement. In particular these procedures shall contain provisions governing:

(a) the communication, receipt and use of proprietary technical information under this Agreement;

(b) the participation of NATO Organizations in the communication, receipt and use of proprietary technical information;

(c) the creation and operation of the Advisory Committee provided for in Article III. C, above;

(d) requests for changes of conditions imposed on proprietary technical information, as envisaged by Article II. A, above.

ARTICLE V

1. Nothing in this Agreement shall be interpreted as affecting security commitments between or amongst Governments Parties to this Agreement.

2. Each Recipient shall accord to all proprietary technical information made available to it under the terms of this Agreement at least the same degree of security as that technical information has been accorded by the Government or Organization of Origin.

ARTICLE VI

1. Nothing in this Agreement shall prevent the Governments Parties from continuing existing agreements or entering into new agreements among themselves for this same purpose.

2. Nothing in this Agreement shall be interpreted as affecting the provisions of the NATO Agreement for the Mutual Safeguarding of Secrecy of Inventions relating to Defence and for which Applications for Patents have been made, signed in Paris on 21st September, 1960.

ARTICLE VII

Nothing in this Agreement shall apply to the communication or use of technical information relating to atomic energy.

-9-

-10-

ARTICLE VIII

A. The instruments of ratification or approval of this Agreement shall be deposited as soon as possible with the Government of the United States of America which will inform each signatory Government and the NATO Secretary General of the date of deposit of each instrument.

This Agreement shall enter into force 30 days after deposit by two signatory Parties of their instruments of ratification or approval. It shall enter into force for each of the other signatory Parties 30 days after the deposit of its instruments of ratification or approval.

B. The North Atlantic Council will fix the date on which the present Agreement will begin or will cease to apply to NATO Organizations.

ARTICLE IX

Any Party may cease to be a party to this Agreement one year after its notice of denunciation has been given to the Government of the United States of America, which will inform the other signatory Governments and the Secretary General of the North Atlantic Treaty Organization of the deposit of each notice of denunciation. Denunciation shall not, however, affect obligations already contracted and the rights or prerogatives previously acquired by Parties under the provisions of this Agreement.

In witness whereof the undersigned representatives duly authorized thereto, have signed this Agreement.

Done in Brussels this 19th day of October, 1970 in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the United States of America, which will transmit a duly certified copy to the other signatory Governments and to the Secretary General of the North Atlantic Treaty Organization.

-10-

-11-

For the Kingdom of Belgium:	A. de STAERCKE
For Canada:	Ross CAMPBELL
For the Kingdom of Denmark:	H. HJORTH-NIELSEN
For France(1):	F. de TRICORNOT DE ROSE
For the Federal Republic of Germany:	W. G. GREWE
For the Kingdom of Greece:	Ph. ANNINO CAVALIERATO
For Italy:	Carlo de FERRARIIS SALZANO
For the Grand Duchy of Luxembourg:	Lambert SCHAUS
For the Kingdom of the Netherlands:	H. N. BOON
For the Kingdom of Norway:	Hakon Wexelsen FREIHOW
For Portugal:	Albano NOGUEIRA
For Turkey:	Nuri BIRGI
For the Kingdom of Great Britain and Northern Ireland:	Bernard BURROWS
For the United States of America:	Robert ELLSWORTH

- (1) The signature of the French Permanent Representative is preceded by the following interpretative note:

"L'adhésion de la France au présent accord ne saurait en rien modifier la position prise par elle vis à vis de l'organisation militaire intégrée de l'Alliance Atlantique, position exposé dans l'Aide Mémoire des 8 et 10 mars 1966 adressé par le Gouvernement français aux quatorze autres membres de l'Alliance".

[ⁱThe adherence of France to this Agreement should not be regarded in any way as modifying the position taken by this country vis-à-vis the integrated Military Organization of the Atlantic Alliance, as set out in the Aide-Mémoire of the French Government of 8th and 10th March, 1966, addressed to the fourteen other members of the Alliance".]

-11-

-12-

IMPLEMENTING PROCEDURES FOR THE NATO AGREEMENT
ON THE COMMUNICATION OF TECHNICAL
INFORMATION FOR DEFENCE PURPOSES

I. GENERALITIES

1. The following Procedures are established in accordance with the provisions of the "NATO Agreement on the Communication of Technical Information for Defence Purposes" signed in Brussels on 19th October, 1970, hereinafter referred to as the Agreement.

2. The Procedures apply whenever technical information is communicated under the Agreement, whenever such information is used or disclosed following such a communication, and whenever a Recipient desires modification of the conditions under which information was accepted. These Procedures do not apply to the communication to Government Departments of copies of secret patent applications already provided for in paragraph (4) of Section A of the Implementing Procedures for the "NATO Agreement for the Mutual Safeguarding of Secrecy of Inventions relating to Defence and for which Applications for Patents have been made". The communication of such copies in support of the application for patents does not constitute a communication within the meaning of Article II of the Agreement.

II. CONDITIONS OF COMMUNICATION AND USE

3. All communications of technical information under the Agreement are made for information purposes only unless express consent is given to the contrary. The term "for information purposes" in these Procedures means for purposes of assisting in the evaluation of the technical information for defence interests only and without prejudice to any rights of the owner. This term does not include the use, duplication or disclosure, in whole or in part, for purposes of manufacture.

4. This information must include or be accompanied by a legend securely attached in a conspicuous place and stating clearly:

- (a) that the information is proprietary;
- (b) that the information is communicated in confidence for defence purposes; and
- (c) any specific purpose for which the information is communicated.

Preferably the legend should also include as much of the following information as is available:

- (d) identification of the ownership of the information;

-12-

-13-

- (e) identification of the Government or Organization of Origin;
- (f) identification of all Recipients;
- (g) identification of the specific portions of communicated information claimed as proprietary where all of the information communicated is not proprietary;
- (h) conditions under which and when information or specific parts thereof may be published or disclosed to or used by other parties, e. g. with written consent of the owner.

5. Where the use of such legend is not practicable, as for example, when information is communicated orally or visually, all the information which would otherwise have been provided in a legend must be communicated at the same time as the information is communicated to any Recipients orally or visually or in some other effective manner. Any Recipient accepting information under these circumstances must fully identify it and the conditions under which it was communicated in an acknowledgement which is satisfactory to the transmitter.

6. In the event of dissemination by a Recipient of information received with a legend, it is incumbent upon this transmitter to ensure that this legend and any other conditions relating to the use and disclosure of the information is passed on to the next Recipient.

7. When technical information is to be used or further communicated by a Government or NATO Organization and is without a legend but has been received under circumstances giving rise to the belief that it was communicated under the Agreement, it is incumbent upon the receiver before using or further communicating the information to do its utmost to ensure that a legend or statement such as required according to paragraphs 4 or 5 above, has not become dissociated from the information.

III. MODIFICATIONS OF THE CONDITIONS IMPOSED

- 8. (a) Any Recipient desiring modification of the conditions imposed will address a request to this effect to the Government or Organization of Origin or, with the latter's consent, directly to the owner of the information, in accordance with any arrangements which may have been provided for in this connection between the Government or Organization of Origin and the Recipient.

-13-

-14-

- (b) The Government or Organization of Origin shall use its best endeavours to assist the Recipient in obtaining any authorizations sought for the use of technical information and to transmit to the owner of the information all requests for use as well as all relevant facts.

IV. INFORMATION ON CLAIMS FOR DAMAGES

9. The Government or Organization of Origin and the Recipient(s) shall keep the other informed of any claims for damages which have been referred to them under the Agreement and in which one of the parties is involved.

V. DISPUTES - ADVISORY COMMITTEE

- 10. (a) A Government or Organization of Origin wishing an Advisory Committee as provided for in Article III. C of the Agreement to be set up will address a request to this effect to the Secretary General of NATO, together with a file containing an exposé, as complete as possible, of the facts concerning any alleged damage, which is the subject of the request; this exposé may be completed at a later stage.
- (b) The Secretary General of NATO:
 - (i) will promptly transmit the request and copies of the file to any other Governments or Organizations involved in the transaction requesting their agreement to the establishing of an Advisory Committee;
 - (ii) will, if such a Committee is agreed, request such Governments and Organizations to assign their representatives, and agree on a date and venue;
 - (iii) may, at the request of the Committee, appoint a member of the International Staff to attend the Committee as an observer or as a member of the Committee representing the Secretary General;
 - (iv) may, at the request of the Committee, supply a secretariat to the latter under agreed conditions regarding expense.

-14-

-15-

- (c) The Advisory Committee will:
- (i) if it deems it desirable, elect its Chairman or request the Secretary General to appoint a member of the International Staff to be a Chairman;
 - (ii) examine all documents and evidence available to it on the communication and, if appropriate, on the use of the information and on the origin, nature and scope of the alleged damage caused to the owner;
 - (iii) establish through national or NATO authorities all contacts necessary for its investigation;
 - (iv) if it so wishes, listen to the injured party and any other persons it deems necessary;
 - (v) furnish a report solely for the parties involved in the transaction of its findings on the existence, origin, nature and scope of any damage caused to the owner of the information. The report shall in no way bind the parties involved in the transaction, and, unless otherwise decided by the Committee, shall together with its discussions, records and documents be maintained in confidence, only the NATO and national authorities concerned having access to them.
- (d) In the performance of their tasks, the members of the Advisory Committee may in no way act as proponents for any private persons - individuals or corporate bodies - whatsoever.

VI. TRANSMISSION OF CLASSIFIED INFORMATION

11. Transmission of all classified information shall only be through channels approved by the Governments Parties, involved in the communication or receipt of such information. A list of the titles and addresses of the national competent services is attached as Annex A to these Procedures. Any modifications concerning the grade of security classification by the Governments or Organizations of Origin should be notified to the Recipients. The security classification equivalents of the various countries are reproduced at Annex B to these Procedures.

-15-

-16-

VII. APPLICATION

12. The Procedures will be applicable for each signatory Party to the Agreement or NATO Organization at the time the Agreement comes into force for this Party or NATO Organization in accordance with Article VIII of the Agreement.

VIII. REVISION OF THE PROCEDURES

13. The Procedures shall be examined by the relevant NATO Working Group for possible revisions at the request of a signatory Party to the Agreement. Revised Procedures will be applicable for those signatory Parties to the Agreement and NATO Organizations for whom the Agreement is already in force 30 days after approval of these Procedures by the North Atlantic Council.

IX. APPROVAL

14. These Procedures were approved by the North Atlantic Council on 1st January, 1971, in the English and French languages, both texts being equally authentic.

-16-

-17-

ANNEX A TO THE IMPLEMENTING PROCEDURES
LIST OF TITLES AND ADDRESSES OF THE NATIONAL
SERVICES COMPETENT FOR THE TRANSMISSION OF
CLASSIFIED INFORMATION

<u>Countries</u>	<u>Title and address of Service</u>
<u>BELGIUM</u>	Ministère des Affaires Économiques, Bureau de Centralisation des Commandes de Défense, Square de Meeûs, 23 B-1040 Bruxelles (Belgique)
<u>CANADA</u>	The Military Attaché at the Canadian Embassy at the NATO country concerned. In the case of NATO Organizations, the Canadian Delegation to NATO.
<u>DENMARK</u>	Ministry of Commerce (handelsministeriet) Slotsholmsgade, 12, 1216 Copenhagen K, Denmark
<u>FRANCE</u>	Délégation Ministérielle pour l'Armement Bureau des Brevets et Inventions 10, Rue St. Dominique, Paris 7e.
<u>FEDERAL REPUBLIC OF GERMANY</u>	Der Bundesminister der Verteidigung 3, z Hd des Herrn Referenten T 15-o, V. i. A. 53 BONN, Ermekeilstrasse, 27.
<u>GREECE</u>	Ministry of National Defence, Supreme Hellenic Armed Forces Command, Research Branch, Cholargos, Athens (Greece).
<u>ITALY</u>	Ministero della Difesa Speciale U. C. A. M. - 3 ^o Reparto Sezione Militare Brevetti. Roma.
<u>LUXEMBOURG</u>	Ministère de la Force Publique - Secrétariat Spécial - Plateau du Saint Esprit Luxembourg - (Grand Duché de Luxembourg)
<u>NETHERLANDS</u>	Ministerie van Defensie Materieelraad Bagijnestraat, 36 Den Haag
<u>NORWAY</u>	Royal Norwegian Ministry of Defence Oslodep Oslo, Norway.

<u>Countries</u>	<u>Title and address of Service</u>
<u>PORTUGAL</u>	Secretariado Geral da Defesa Nacional Rua Cova da Moura, 1 - Lisboa 3.
<u>TURKEY</u>	Milli Savunma Bakanligi Ikrmal Baskanligi Bakanliklar ANKARA.
<u>UNITED KINGDOM</u>	Head of T. I. L. Reports Centre Ministry of Technology Block A-B, Station Square House St. Mary Cray ORPINGTON Kent.
<u>UNITED STATES</u>	For most NATO countries, classified information should be channeled through the respective US Military Advisory Assistance Group, or, in the absence of a MAAG office, through the US Military Attaché. In the case of NATO Organizations, the appropriate channel would be through the US National Military Representative.

-19-

ANNEX B TO THE IMPLEMENTING PROCEDURESNATIONAL SECURITY CLASSIFICATIONS
WITH THEIR NATO EQUIVALENTS

	<u>COSMIC TOP SECRET</u>	<u>NATO SECRET</u>	<u>NATO CONFIDENTIAL</u>	<u>NATO RESTRICTED</u>
BELGIUM	TRES SECRET ZEER GEHEIM	SECRET GEHEIM	CONFIDENTIEL VERTROUWELIJK	DIFFUSION RESTREINTE BEPERKTE VERSPREIDING
CANADA	TOP SECRET TRES SECRET	SECRET	CONFIDENTIAL	RESTRICTED DIFFUSION RESTREINTE
DENMARK(1)	YDERST HEMMELIGT	HEMMELIGT	FORTROLIGT	TIL TJENESTEBRUG
FRANCE (2)	TRES SECRET	SECRET DEFENSE	CONFIDENTIEL DEFENSE	DIFFUSION RESTREINTE
FEDERAL REP. OF GERMANY	STRENG GEHEIM	GEHEIM	VS-VERTRAULICH	VS-NUR FUER DEN DIENST- GEBRAUCH
GREECE	ΑΕΡΡΕ ΑΝΟΡΡΗΤΟΝ	ΑΝΟΡΡΗΤΟΝ	ΣΜΙΛΕΤΕΤΙΚΟΝ	ΠΕΡΙΟΡΙΣΜΕΝΗ ΞΠΡΕΣΗ
ITALY	SEGRETISSIMO	SEGRETO	RISERVATISSIMO	RISERVATO
LUXEMBOURG	TRES SECRET	SECRET	CONFIDENTIEL	DIFFUSION RESTREINTE
NETHERLANDS	ZEER GEHEIM	GEHEIM	CONFIDENTIEEL or VERTROUWELIJK	DIENSTGEHEIM
NORWAY	STRENGT HEMMELIG	HEMMELIG	KONFIDENSIELT	BEGRENSET
PORTUGAL	MUITO SECRETO or SEGRETISSIMO	SEGRETO	CONFIDENCIAL	RESERVADO
TURKEY	ÇOK GIZLI	GIZLI	ÖZEL	HİZMETE ÖZEL
UNITED KINGDOM	TOP SECRET	SECRET	CONFIDENTIAL	RESTRICTED
UNITED STATES(3)	TOP SECRET	SECRET	CONFIDENTIAL	

- (1) It is not absolutely necessary to use the security classification TIL TJNESTEBRUG (RESTRICTED) nationally as every official document is regarded as being RESTRICTED unless the contents have been published or are intended for publication. When the Danish Government releases a document to NATO, the document will bear a security classification, if protection as classified is desired.
- (2) In France, the classification TRES SECRET is reserved for government use on the authority of the Prime Minister.
- (3) The United States does not use the classification RESTRICTED in its national system. NATO documents are handled in accordance with procedures equivalent to those required under NATO CONFIDENTIAL classification except for storage procedures which, in effect, are equivalent to those required under the NATO RESTRICTED classification.

-19-

-20-

N. B. DEFINITIONS OF NATO SECURITY CLASSIFICATIONS1. TOP SECRET

This security classification will be applied only to information the unauthorized disclosure of which would result in exceptionally grave damage to the North Atlantic Treaty Organization.

2. SECRET

This security classification will be applied to information the unauthorized disclosure of which would result in serious damage to NATO.

3. CONFIDENTIAL

This security classification will be applied to information the unauthorized disclosure of which would be prejudicial to the interests of NATO.

4. RESTRICTED

This security classification will be applied to information the unauthorized disclosure of which would be undesirable to the interests of NATO.

Brussels - July, 1976

-20-

-21-

COUNCIL RESOLUTION FOR APPLYING TO NATO ORGANIZATIONS
THE 'NATO AGREEMENT ON THE COMMUNICATION OF TECHNICAL
INFORMATION FOR DEFENCE PURPOSES'

The NORTH ATLANTIC COUNCIL:

Considering that in pursuance of Article VIII, B of the "NATO Agreement on the Communication of Technical Information for Defence Purposes", the Council will fix the dates on which this Agreement will begin or will cease to apply to NATO Organizations.

Taking note that following the deposit of the instruments of ratification or approval by the Governments of Canada and the United States, this Agreement entered into force on 7th February, 1971.

DECIDED THAT:

- (1) the provisions of the "NATO Agreement on the Communication of Technical Information for Defence Purposes" will apply from 30th April, 1971 to the exchange of technical information for defence purposes between NATO Organizations as defined in Article I(c) of the said Agreement;
- (2) from the same date these provisions will also apply to the exchange of technical information for defence purposes between these NATO Organizations and Canada and the United States;
- (3) these provisions will apply to the exchange of technical information for defence purposes between the NATO Organizations and any other signatory party 30 days after the deposit by this party of its instruments of ratification or approval of the "NATO Agreement on the Communication of Technical Information for Defence Purposes";
- (4) any Council decision implying that the Agreement will cease to apply to a NATO Organization will contain provisions about any obligations contracted by this Organization under the Agreement;
- (5) the Secretary General of NATO will take the measures necessary to ensure the execution of the above decisions.

C-M(64)39

**AGREEMENT BETWEEN THE PARTIES TO THE NORTH ATLANTIC
TREATY FOR CO-OPERATION REGARDING ATOMIC INFORMATION**

PREAMBLE

The Parties to the North Atlantic Treaty, signed at Washington on 4th April 1949,

Recognising that their mutual security and defence requires that they be prepared to meet the contingencies of atomic warfare, and

Recognising that their common interest will be advanced by making available to the North Atlantic Treaty Organization and its member states information pertinent thereto, and

Taking into consideration the United States Atomic Energy Act of 1954, as amended, which was prepared with these purposes in mind,

Acting on their own behalf and on behalf of the North Atlantic Treaty Organization,

Agree as follows:

ARTICLE I

In accordance with and subject to the requirements of the United States Atomic Energy Act of 1954, as amended, the Government of the United States of America will, while the North Atlantic Treaty Organization continues to make substantial and material contributions to the mutual defence and security, co-operate by communicating, from time to time, to the North Atlantic Treaty Organization and its member states, while they continue to make such contributions, atomic information in accordance with the provisions of this Agreement, provided that the Government of the United States of America determines that such co-operation will promote and will not constitute an unreasonable risk to its defence and security.

ARTICLE II

Paralleling the undertaking of the Government of the United States of America under this Agreement, the other member states of the North Atlantic Treaty Organization will, to the extent they deem necessary, communicate to the North Atlantic Treaty Organization, including its military and civilian elements, and to member states atomic information of their own origin of the same types provided for in this Agreement. The terms and conditions governing these communications by other member states will be the subject of subsequent agreements, but will be the same or similar to the terms and conditions specified in this Agreement.

C-M(64)39

ARTICLE III

The Government of the United States of America will communicate to the North Atlantic Treaty Organization, including its military and civilian elements, and to member states of the North Atlantic Treaty Organization requiring the atomic information in connection with their functions related to NATO missions, such atomic information as is determined by the Government of the United States of America to be necessary to:

- (a) the development of defence plans;
- (b) the training of personnel in the employment of and defence against atomic weapons and other military applications of atomic energy;
- (c) the evaluation of the capabilities of potential enemies in the employment of atomic weapons and other military applications of atomic energy; and
- (d) the development of delivery systems compatible with the atomic weapons which they carry.

ARTICLE IV

1. Co-operation under this Agreement will be carried out by the Government of the United States of America in accordance with its applicable laws.

2. Under this Agreement there will be no transfer by the Government of the United States of America of atomic weapons, non-nuclear parts of atomic weapons, or non-nuclear parts of atomic weapons systems involving Restricted Data.

3. The atomic information communicated by the Government of the United States of America pursuant to this Agreement shall be used exclusively for the preparation or implementation of NATO defence plans and activities and the development of delivery systems in the common interests of the North Atlantic Treaty Organization.

ARTICLE V

1. Atomic information communicated pursuant to this Agreement shall be accorded full security protection under applicable NATO regulations and procedures, agreed security arrangements, and national legislation and regulations. In no case will the North Atlantic Treaty Organization or its member states maintain security standards for the safeguarding of atomic information less restrictive than those set forth in the pertinent NATO security regulations and other agreed security arrangements in effect on the date this Agreement comes into force.

C-M(64)39

2. The establishment and co-ordination of the security programme in all NATO military and civilian elements will be effected under the authority of the North Atlantic Council in conformity with procedures set forth in agreed security arrangements.

3. Atomic information communicated by the Government of the United States of America pursuant to this Agreement will be made available through channels for communicating atomic information now existing or as may be hereafter agreed.

4. Atomic information communicated or exchanged pursuant to this Agreement shall not be communicated or exchanged by the North Atlantic Treaty Organization or persons under its jurisdiction to any unauthorized persons or, except as provided in paragraph 5 of this article, beyond the jurisdiction of that Organization.

5. Unless otherwise specified by the Government of the United States of America, United States atomic information provided to the North Atlantic Treaty Organization may be communicated by the North Atlantic Treaty Organization to its member states as necessary to carry out functions related to NATO missions, provided that dissemination of such atomic information within such member states is limited to those specific individuals concerned with the NATO missions for which the information is required. Member states agree that atomic information so received from the North Atlantic Treaty Organization or otherwise pursuant to this Agreement will not be transferred to unauthorized persons or beyond the jurisdiction of the recipient member state; however, such information may be communicated to the North Atlantic Treaty Organization or, when authorised by the Government of the United States of America, to other member states requiring the information for functions related to NATO missions.

ARTICLE VI

Other provisions of this Agreement notwithstanding, the Government of the United States of America may stipulate the degree to which any of the atomic information made available by it to the North Atlantic Treaty Organization or member states may be disseminated, may specify the categories of persons who may have access to such information, and may impose such other restrictions on the dissemination of information as it deems necessary.

ARTICLE VII

1. A Party receiving atomic information under this Agreement shall use it for the purposes specified herein only. Any inventions or discoveries resulting from possession of such information on the part of a recipient Party or persons under its jurisdiction shall be made available to the Government of the United States of America for defence purposes without charge in accordance with such arrangements as may be agreed and shall be safeguarded in accordance with the provisions of Article V of this Agreement.

2. The application or use of any information communicated under this Agreement shall be the responsibility of the Party receiving it; the Party communicating the

C-M(64)39

information does not provide any indemnity or warranty with respect to its application or use.

ARTICLE VIII

Nothing in this Agreement shall be considered to supersede or otherwise affect bilateral agreements between Parties to this Agreement providing for co-operation in the exchange of atomic information.

ARTICLE IX

For the purposes of this Agreement:

(a) "Atomic weapon" means any device utilising atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, a weapon prototype, or a weapon test device.

(b) "Atomic information" to be provided by the Government of the United States of America under this Agreement means information which is designated "Restricted Data" or "Formerly Restricted Data" by the Government of the United States of America.

ARTICLE X

1. This Agreement shall enter into force upon receipt by the Government of the United States of America of notification from all Parties to the North Atlantic Treaty that they are willing to be bound by the terms of the Agreement.

2. The Government of the United States of America will inform all Parties to the North Atlantic Treaty, and will also inform the North Atlantic Treaty Organization, of each notification and of the entry into force of this Agreement.

3. This Agreement shall remain in force until terminated by unanimous agreement or superseded by another agreement, it being understood, however, that termination of this Agreement as a whole shall not release any Party from the requirements of this Agreement to safeguard information made available pursuant to it.

ARTICLE XI

Notwithstanding the provisions of Article VI(4) of the Agreement between the Parties to the North Atlantic Treaty for Co-operation regarding Atomic Information, signed in Paris on 22nd June, 1955, the present Agreement shall upon its entry into force supersede the above-mentioned Agreement, it being understood, however, that information communicated under that Agreement shall be considered for all purposes to have been communicated under the provisions of this Agreement.

C-M(64)39

ARTICLE XII

This Agreement shall bear the date on which it is opened for signature and shall remain open for signature until it has been signed by all the States Parties to the North Atlantic Treaty.

In witness whereof the undersigned Representatives have signed the present Agreement on behalf of their respective States, members of the North Atlantic Treaty Organization, and on behalf of the North Atlantic Treaty Organization.

Done at Paris this _____ day of _____ 19_____, in the English and French languages, both texts being equally authoritative, in a single original which shall be deposited in the archives of the Government of the United States of America.

The Government of the United States of America shall transmit certified copies thereof to all the signatory and acceding States.

NATO UNCLASSIFIEDANNEX A
C-M(64)39**TECHNICAL ANNEX TO THE AGREEMENT BETWEEN THE
PARTIES TO THE NORTH ATLANTIC TREATY FOR CO-OPERATION
REGARDING ATOMIC INFORMATION**

The provisions of this Annex implement certain of the provisions of the Agreement for Co-operation Regarding Atomic Information done at Paris on (hereinafter referred to as the Agreement) of which this Annex forms an integral part.

SECTION I

Subject to the terms and conditions of the Agreement, the types of atomic information which the Government of the United States of America may make available to the North Atlantic Treaty Organization and its member states are:

A. As may be necessary for mutual defence planning, training, and logistical requirements, information concerning the numbers, locations, types, yields, arming, safing, command and control, and fuzing of those atomic weapons which can be made available for use by or in support of the North Atlantic Treaty Organization.

B. Effects to be expected or resulting from the detonation of atomic weapons.

C. Response of structures, equipment, communications and personnel to the effects of atomic weapons, including damage or casualty criteria.

D. Methods and procedures for analyses relating to the effects of atomic weapons.

E. Information on the capabilities of potential enemy nations for atomic warfare.

F. Information on atomic weapons and atomic weapons systems required for attainment of delivery capability with specified atomic weapons which can be made available for use by or in support of the North Atlantic Treaty Organization, including information required for evaluation of atomic weapons systems to determine NATO requirements and strategy.

G. Information regarding delivery systems, including tactics and techniques and duties of maintenance, assembly, delivery and launch crews required for attainment of delivery capability with specified atomic weapons.

H. To the extent that they will influence NATO planning, the results to be expected from the strategic air offensive.

I. Information required for attainment of compatibility of specified atomic weapons with specified delivery vehicles.

NATO UNCLASSIFIED

NATO UNCLASSIFIEDANNEX A
C-M(64)39

J. Safety features of specified atomic weapons and of the operational systems associated with such weapons and information necessary and appropriate for salvage and recovery operations incident to a weapons accident.

K. Information required in planning for and training of personnel in the employment of and defence against atomic weapons and including information concerning:

1. Military uses of isotopes for medical purposes.
2. Defence against radiological warfare.

L. Information regarding civil defence against atomic attacks.

M. Other information as may be determined by appropriate United States Authorities to be necessary for support of the North Atlantic Treaty Organization and transferable under provisions of the Atomic Energy Act of 1954, as amended, and the Agreement.

SECTION II

No information on other military applications of atomic energy, military reactors, or naval nuclear propulsion plants, will be communicated under the Agreement.

NATO UNCLASSIFIED

NATO UNCLASSIFIEDANNEX B
C-M(64)39**SECURITY ANNEX TO THE AGREEMENT BETWEEN THE
PARTIES TO THE NORTH ATLANTIC TREATY FOR CO-OPERATION
REGARDING ATOMIC INFORMATION**

This Annex sets forth the security measures which the North Atlantic Treaty Organization and the member states shall apply to safeguard atomic information made available by the Government of the United States of America to the North Atlantic Treaty Organization and its member states pursuant to the Agreement for Co-operation Regarding Atomic Information done at Paris on (referred to hereinafter as "the Agreement") of which this Annex is an integral part. In the event a member of the North Atlantic Treaty Organization other than the Government of the United States of America makes atomic information available pursuant to Article II of the Agreement, such information shall be safeguarded by security measures no less restrictive than those set forth in this Annex.

SECTION I**GENERAL**

A. NATO security regulations, no less restrictive than those which are presently set forth in C-M(55)15(Final) and the Confidential Supplement of 1st January, 1961, thereto, as well as the security measures specified in this Annex, shall be applied by NATO military and civilian elements and by member states to atomic information communicated pursuant to the Agreement.

B. The security programme as implemented by all NATO military and civilian elements and by member states receiving atomic information pursuant to the Agreement shall provide fully for carrying out the security requirements laid down in this Annex.

C. The Secretary General, acting in the name of the North Atlantic Council and under its authority, shall be responsible for supervising the application of the NATO security programme for the protection of atomic information under the Agreement. He will ascertain by means of the procedures set forth in Section X of this Annex that all measures required by the NATO Security programme are taken in NATO civil and military elements and national civil and military elements to protect the information exchanged under the Agreement.

D. No individual shall be entitled to access to atomic information solely by virtue of rank, appointment, or security clearance.

E. Access to atomic information made available to the North Atlantic Treaty Organization shall be limited to nationals or member states of the North Atlantic Treaty Organization who have been granted security clearances in accordance with Section II of this Annex and whose responsibilities require access to the information.

NATO UNCLASSIFIED

NATO UNCLASSIFIEDANNEX B
C-M(64)39

F. Access to atomic information made available to a member state pursuant to the Agreement shall be limited to its nationals who have been granted security clearances in accordance with Section II of this Annex and whose duties require access in order that the member state can fulfil its responsibilities and commitments to the North Atlantic Treaty Organization.

SECTION II**PERSONNEL SECURITY**

A. No individual shall be granted a security clearance for access to atomic information unless it is determined that such clearance will not endanger the security of the North Atlantic Treaty Organization or the national security of the member states of the North Atlantic Treaty Organization.

B. Prior to affording access to atomic information, the determination of eligibility (decision to grant security clearance) for each individual to be afforded such access shall be made by a responsible authority of the government of the individual concerned.

C. The decision as to whether the granting of a security clearance is clearly consistent with the interests of security shall be a determination based on all available information. Prior to this determination, an investigation shall be conducted by a responsible government authority and the information developed shall be reviewed in the light of the principal types of derogatory information which create a question as to an individual's eligibility for security clearance, as these are set forth in Section III of the Confidential Supplement of 1st January, 1961, to C-M(55)15(Final).

D. The minimum scope and extent of the investigation shall be in accordance with the standards set out in Section II of the Confidential Supplement to C-M(55)15(Final), except that a background investigation shall be required for clearance for access to atomic information classified Secret for individuals other than members of the armed forces or civilian personnel of the military establishments of the member states.

E. Each establishment handling atomic information shall maintain an appropriate record of the clearance of individuals authorised to have access to such information at that establishment. Each clearance shall be reviewed, as the occasion demands, to insure that it conforms with the current standards applicable to the individual's employment, and shall be re-examined as a matter of priority when information is received which indicates that continued employment involving access to atomic information may no longer be consistent with the interests of security.

F. Effective liaison shall be maintained in each state between the national agencies responsible for national security and the authority responsible for making clearance determinations to assure prompt notification of information with derogatory implications developed subsequent to the grant of security clearance.

NATO UNCLASSIFIED

NATO UNCLASSIFIEDANNEX B
C-M(64)39**SECTION III****PHYSICAL SECURITY**

A. Atomic information shall be protected physically against espionage, sabotage, unauthorised access or any other hostile activity. Such protection shall be commensurate with the importance of the security interest involved.

B. Programmes for physical security of atomic information shall be established so as to assure:

1. Proper protection of atomic information on hand for immediate use, in storage or in transit.
2. The establishment of security areas, with controlled access, when deemed necessary by reason of the sensitivity, character, volume and use of the classified atomic information, and the character and location of the building or buildings involved.
3. A system of controlled access which shall embody procedures for a competent authority to authorise access, accurate methods of personnel identification and accountability for identification media; and a means of enforcing limitations on movement within, and access to, security areas.

C. The provisions of paragraph B above will be in addition to the procedures set forth in Section IV of C-M(55)15(Final).

SECTION IV**CONTROL OF ATOMIC INFORMATION**

A. Information control programmes shall be maintained which will have for their basic purposes:

1. Control of access.
2. Ready accountability commensurate with the degree of sensitivity.
3. Destruction when no longer needed.

B. Security classifications applied by the Government of the United States of America to atomic information communicated under the Agreement shall be observed at all times: regrading or declassification may be done only with the approval of the Government of the United States of America.

NATO UNCLASSIFIED

NATO UNCLASSIFIEDANNEX B
C-M(64)39

C. Documents containing United States atomic information communicated under the Agreement shall bear NATO markings and a security classification equivalent to that assigned by the Government of the United States of America, followed by the word ATOMAL. In addition, the following marking shall be entered on the document in the language of the document:

“This document contains United States atomic information (Restricted Data or Formerly Restricted Data) made available pursuant to the NATO Agreement for Co-operation Regarding Atomic Information signed (date) and will be safeguarded accordingly.”

D. Accountability records shall be maintained for all Top Secret and Secret Documents, and for all documents on which special limitations have been placed in accordance with Article VI of the Agreement. These records shall show the identity of all recipients of documents on which special limitations have been placed.

E. Reproductions, including extracts and translations, of documents containing United States atomic information bearing the markings specified in paragraph C above may be made under the following rules:

1. Documents classified Secret and Top Secret may be reproduced only with the prior approval of the Government of the United States of America. Such documents shall bear a suitable notation to this effect. In emergencies when prior approval cannot be obtained in time, this rule may be waived, but the Government of the United States of America shall be so informed by the most expeditious means.
2. Documents classified Confidential may be reproduced only as necessary to meet current requirements.
3. Reproductions, including extracts and translations, shall bear all security markings (including the marking described in paragraph C) found on the original document and shall be placed under the accountability controls applied to the original document. Where paragraphs bear separate classifications, the security classification of documents containing extracted atomic information shall bear the classification of the paragraph with the highest classification from which extracts were taken and where appropriate the marking specified in paragraph C. Accountability controls for extracted atomic information shall be as provided in paragraph D of this section. Further, such special limitations as may have been placed on the original document shall apply to documents containing the extracts.

NATO UNCLASSIFIED

NATO UNCLASSIFIEDANNEX B
C-M(64)39

F. Documents prepared to record atomic information received under the Agreement by oral or visual means shall bear the markings specified in paragraph C above and shall be subject to the rules for accountability and control applicable to the level of classification involved.

SECTION V**CHANNELS OF TRANSMISSION**

Communications by the Government of the United States of America of atomic information under the Agreement, including oral and visual communication, shall be through channels now existing or as may be hereafter agreed. To assist the Secretary General in the discharge of his security responsibilities under paragraph C of Section I of the present Annex, the Government of the United States of America shall provide the Secretary General with sufficient information to identify each written communication of atomic information by the Government of the United States of America and each communication authorised by the Government of the United States of America under the Agreement. This information will also be sent to the Standing Group for all communications made to military elements.

SECTION VI**REPORTS**

A. Each member state and NATO military and civilian element which receives United States atomic information under the Agreement shall submit by 31st March of each year, utilising channels now existing or as may be hereafter agreed, through the Secretary General to the Government of the United States of America a report containing the following:

1. A list of all atomic documents received from the Government of the United States of America during the twelve months ending 31st December of the previous year.
2. A record of the distribution of the documents listed in paragraph 1 above, and
3. A certification that a physical muster has been made of all atomic documents for which the member state or NATO military or civilian element is accountable under the Agreement. The certification shall include a list of all documents unaccounted for, with a statement of the results of the investigation of the loss and the corrective action taken to prevent a recurrence.

B. If United States atomic information communicated under the Agreement is compromised by loss of documents or any other means, an immediate report including all pertinent information concerning the compromise shall be made, utilising channels now

NATO UNCLASSIFIED

NATO UNCLASSIFIED

ANNEX B
C-M(64)39

existing or as may be hereafter agreed, to the Secretary General and the Government of the United States of America.

SECTION VII

SECURITY EDUCATION

Member states and NATO military and civilian elements receiving information under the Agreement shall maintain an adequate programme to assure that all individuals who are authorised access to atomic information are informed of their responsibilities to safeguard that information. The programme shall include a specific initial indoctrination and orientation, periodic re-emphasis of individual responsibilities and a termination interview stressing the continuing responsibilities for protection of atomic information.

SECTION VIII

SECURITY OF CLASSIFIED CONTRACTS

Every classified contract, sub-contract, consultant agreement or other arrangement entered into by Parties to the Agreement, the performance of which involves access to atomic information exchanged under the Agreement, shall contain appropriate provisions imposing obligations on the private parties involved to abide by the security arrangements set forth in this Annex.

SECTION IX

CONTINUING REVIEW OF SECURITY SYSTEM

A. It is recognised that effective and prompt implementation of security policies can be materially advanced through reciprocal visits of security personnel. It is agreed to continue a thorough exchange of views relative to security policies, standards and procedures and to permit United States security working groups to examine and view at first hand the procedures and practices of the agencies of the North Atlantic Treaty Organization and of the agencies of member states responsible for the protection of documents and information communicated under the Agreement, such visits to be undertaken with a view to achieving an understanding of adequacy and reasonable comparability of the respective security systems.

B. The Secretary General, and the Standing Group in the case of visits to military elements, will be informed of these visits and reports setting forth pertinent findings of the United States working groups will be furnished to them following each visit. All visits to national elements will be carried out in co-operation with the national security authorities of the states concerned.

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C-M(64)39**SECTION X****SECURITY INSPECTIONS**

A. Comprehensive security inspection of all NATO military and civilian elements and member nations which have received atomic information under the Agreement shall be made regularly, but not less often than once every twelve months, in accordance with the criteria set forth in Section I, paragraph A of this Annex. These inspections shall be made by the NATO agencies having responsibility for the application of the NATO security programme, using qualified personnel. The Council may, as it considers necessary or desirable, direct special inspections to be made and designate ad hoc inspection teams composed of personnel from NATO civilian and military agencies or other qualified personnel. Visits to military and civilian elements of member states will be co-ordinated with the appropriate national authorities.

B. All phases of the security programme shall be examined and within thirty days after the completion of the inspection, a written report that shall include a list of any deficiencies found in the application of the security regulations will be sent to the Secretary General.

C. Copies of these inspection reports shall be made available by the Secretary General to the United States pursuant to the Agreement and, consistent with other provisions thereof and as may be appropriate, to the installation inspected, the national security authority concerned, and the military headquarters.

D. Within thirty days after receipt of the inspection report, the appropriate authorities of the NATO or national element inspected shall forward to the Secretary General a report of action taken to correct all deficiencies listed in the inspection report. After reviewing the inspection reports and the reports of corrective action taken, the Secretary General, acting on behalf of the Council, shall, as appropriate, draw the attention of the national authorities, the Standing Group or the civilian element concerned to whatever further action may be required to meet NATO security criteria and the provisions of this Agreement. Copies of the reports of corrective action as well as copies of any comments forthcoming from the Secretary General in accordance with this paragraph shall be distributed in the same manner as provided in paragraph C of this Section for the inspection reports.

E. In the event that a problem regarding corrective action existing from a security inspection remains unresolved after the application of procedures set forth in paragraph D of this Section the Secretary General shall bring the matter to the attention of the Council with a recommendation that an ad hoc inspection team be designated to investigate the problem and report to the Council, which will thereupon take appropriate action.

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Tidigare lagstiftningsarbeten

Sverige möjliggör en vidgad tillämpning av PFF SOFA

Lagändringar m.m. för att PFF SOFA-avtalet ska kunna ligga till grund även för andra fall av internationellt militärt samarbete och internationell krishantering än övningsverksamhet inom ramen för Partnerskap för fred. Sverige ansluter sig även till statusavtal inom ramen för EU/FN

Förarbeten:

Prop. 2004/05:7 *Vissa rättigheter vid internationellt militärt samarbete och internationell krishantering*
SOU 2003:117 *Rättslig status vid samverkan inom Partnerskap för fred och EU:s krishantering m.m. – en översyn*

Riksdagsbeslut:

Lagändringar, bl.a.:
- Lagen (1957:668) om utlämning för brott
- Lagen (2004:1006) om skadeståndsansvar vid internationellt militärt samarbete och internationell krishantering (*ny lag*)

2005

Sverige ansluter till Partnerskap för fred (PFF)-samarbetet

Ramdokument utan juridiskt bindande innehåll

1994

1996

1997

Sverige ansluter sig till Euroatlantiska partnerskapsrådet (EAPR)

Den "politiska ramen" för PFF-samarbetet

Sverige tillträder PFF SOFAFörarbeten:

Prop. 1995/96:37 *Rättslig reglering av samverkan för fred*
SOU 1995:53 *Samverkan för fred. Den rättsliga regleringen*

Riksdagsbeslut:

Riksdagen godkänner (1) PFF-avtalet samt (2) ett tilläggsprotokoll, med *reservation* när det gäller möjligheten för utländsk stat att utöva domsrätt på svenskt territorium (del av artikel VII i Nato SOFA)

Lagändringar, bl.a.:

- Brottsbalken, 2 kap. 7 b § (*ny bestämelse*)
- Lagen (1990:217) om skydd för samhällsviktiga anläggningar m.m.
- Skatte-/tullområdet

Sverige fördjupar försvarssamarbetet med FinlandFörarbeten:

Prop. 2019/20:110 *Operativt militärt stöd mellan Sverige och Finland*
SOU 2018:31 *En lag om operativt militärt stöd mellan Sverige och Finland*
SOU 2016:64 *Förutsättningar enligt regeringsformen för fördjupat försvarssamarbete*

Riksdagsbeslut:

Lagändringar:
- Lagen (2020:782) om operativt militärt stöd mellan Sverige och Finland (*ny lag*)
- Skyddslagen (2010:305)
- Luftfartslagen (2010:500)

2020

Sverige ingår ett individuellt partnerskap med Nato

Sverige undertecknar samförståndsavtal med Nato om världlandsstöd (2014)

2016

Sverige tillträder samförståndsavtalet mellan Sverige och Nato om världlandsstöd**Sverige tillträder det kompletterande tilläggsprotokollet**Förarbeten:

Prop. 2015/16:152 *Samförståndsavtal om världlandsstöd*
Ds 2015:39 *Samförståndsavtal med Nato om världlandsstöd*

Riksdagsbeslut:

Riksdagen godkänner (1) samförståndsavtalet samt (2) det kompletterande tilläggsprotokollet, med *reservation* (se PFF SOFA)

Lagändringar, bl.a.:

- Skyddslagen (2010:305)
- Trafikskadelagen (1975:1410)
- Skatte-/tullområdet

Rättsliga förutsättningar för ett svenskt medlemskap i Nato

Sverige ansökte om medlemskap i Nato i maj 2022 och har sedan juli 2022 status som inbjudet land.

Förarbeten:

Prop. 2022/23:74 *Sveriges medlemskap i Nato*
Ds 2022:24 *Sveriges medlemskap i Nato*
Utredningen Fö 2022:A

Riksdagsbeslut (hittills):

Riksdagen godkänner (1) Sveriges anslutning till Washingtonfördraget samt (2) Ottawafördraget

Lagändringar:

- Lagen (2020:782) om operativt militärt stöd
- Ottawafördraget införlivas i svensk rätt (lagen (1976:661) om immunitet och privilegier i vissa fall)

2022/2023

Sverige förbättrar förutsättningarna för att ta emot operativt militärt stöd i form av militära styrkor från stater som är medlemmar i EU eller i NatoFörarbeten:

Prop. 2021/22:246 *Förbättrade rättsliga förutsättningar för att kunna ta emot militärt stöd från andra stater*
Promemoria Fö2020/0122 *Förbättrade rättsliga förutsättningar för att ta emot militärt stöd från andra stater*
(SOU 2016:64 *Förutsättningar enligt regeringsformen för fördjupat försvarssamarbete*)

Riksdagsbeslut:

Lagändringar:

- Lagen (2020:782) om operativt militärt stöd
- Skyddslagen (2010:305)
- Luftfartslagen (2010:500)

Departementsserien 2023

Kronologisk förteckning

1. Ändringar i regelverket om överlämnande enligt en europeisk och nordisk arresteringsorder. Ju.
2. Näringsförbud till följd av förbud att bedriva näringsverksamhet som har meddelats i en annan stat. KN.
3. Statens ansvar för det svenska flygplatssystemet. För tillgänglighet och beredskap. LI.
4. Frågor om val till Sametinget. Ku.
5. Natura 2000-tillstånd vid ansökan om bearbetningskoncession enligt minerallagen. KN.
6. Genomförande av det nya blåkortsdirektivet. Ju.
7. Tilläggsprotokoll 16 till Europakonventionen – en möjlighet för de högsta domstolarna att begära rådgivande yttrande från Europadomstolen. Ju.
8. Förslag på åtgärder för att skapa bättre förutsättningar för kliniska prövningar – för en bättre välfärd och en starkare life science-sektor. KN.
9. En säkrare tillgång till vattenreningskemikalier. LI.
10. En registerlag för Myndigheten för vård- och omsorgsanalys. S.
11. Skjutvapen och explosiva varor – skärpta straff för de allvarligare brotten. Ju.
12. Kontrollstation 2023. Fö.
13. En registerlag för Inspektionen för socialförsäkringen. S.
14. En översyn av vissa frågor om offentliga biträden. Ju.
15. Fler verktyg i socialtjänsternas arbete för att förebygga brott och stärka skyddet för barn. S.
16. Avtal med Finland om polissamarbete i gränsområdet. Ju.
17. Vistelseförbud på allmän plats och vissa andra platser. Ju.
18. Stärkt hyresrättsligt skydd för våldsutsatta kvinnor. Ju.
19. Allvarstid. Försvarsberedningens säkerhetspolitiska rapport 2023. Fö.
20. Utökade befogenheter på särskilda ungdomshem och LVM-hem. S.
21. En modern lagstiftning för Kriminalvårdens personuppgiftsbehandling. Ju.
22. Sveriges tillträde till vissa Natoavtal. Fö.

Departementsserien 2023

Systematisk förteckning

Försvarsdepartementet

- Kontrollstation 2023. [12]
- Allvarstid. Försvarsberedningens säkerhetspolitiska rapport 2023. [19]
- Sveriges tillträde till vissa Natoavtal. [22]

Justitiedepartementet

- Ändringar i regelverket om överlämnande enligt en europeisk och nordisk arresteringsorder. [1]
- Genomförande av det nya blåkortsdirektivet. [6]
- Tilläggsprotokoll 16 till Europakonventionen – en möjlighet för de högsta domstolarna att begära rådgivande yttrande från Europadomstolen. [7]
- Skjutvapen och explosiva varor – skärpta straff för de allvarligare brotten. [11]
- En översyn av vissa frågor om offentliga biträden. [14]
- Avtal med Finland om polissamarbete i gränsområdet. [16]
- Vistelseförbud på allmän plats och vissa andra platser. [17]
- Stärkt hyresrättsligt skydd för våldsutsatta kvinnor. [18]
- En modern lagstiftning för Kriminalvårdens personuppgiftsbehandling. [21]

Klimat- och näringslivsdepartementet

- Näringsförbud till följd av förbud att bedriva näringsverksamhet som har meddelats i en annan stat. [2]
- Natura 2000-tillstånd vid ansökan om bearbetningskoncession enligt minerallagen. [5]

- Förslag på åtgärder för att skapa bättre förutsättningar för kliniska prövningar – för en bättre välfärd och en starkare life science-sektor. [8]

Kulturdepartementet

- Frågor om val till Sametinget. [4]

Landsbygds- och infrastrukturdepartementet

- Statens ansvar för det svenska flygplatssystemet. För tillgänglighet och beredskap. [3]
- En säkrare tillgång till vattenreningskemikalier. [9]

Socialdepartementet

- En registerlag för Myndigheten för vård- och omsorgsanalys. [10]
- En registerlag för Inspektionen för socialförsäkringen. [13]
- Fler verktyg i socialtjänsternas arbete för att förebygga brott och stärka skyddet för barn. [15]
- Utökade befogenheter på särskilda ungdomshem och LVM-hem. [20]