



Treaty Series No. 16 (2016)

# Exchange of Notes

amending the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic concerning the Mutual Protection of Classified Information

Paris, 27 May 2014 and 3 September 2014

[The Exchange of Notes entered into force on 3 September 2014]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
March 2016*



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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 FRENCH REPUBLIC  
CONCERNING THE MUTUAL PROTECTION OF CLASSIFIED INFORMATION**

**No.1**

*British Embassy, Paris to Ministry of Foreign Affairs and International Development of the French Republic*

The British Embassy presents its compliments to the Ministry of Foreign Affairs of the French Republic 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 French Republic concerning the Mutual Protection of Classified Information, done at London on 27 March 2008 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.

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 1 shall be amended as follows:

- (a) In paragraph (1), line 1, (1) shall be deleted.
- (b) In Paragraph (1), sub-paragraph 1, the words “as set out in Article 2” shall be added after “classification”.
- (c) Paragraph (2) and sub-paragraphs 1, 2 and 3 shall be deleted.

(2) Articles 2 to 14 shall be renumbered 3 to 15 respectively. A new Article 2 shall be inserted:

## “ARTICLE 2

### Security classifications

(1) The Parties agree that the following security classifications shall correspond to one another as follows:

United Kingdom of Great Britain and Northern Ireland	French Republic
UK TOP SECRET	TRÈS SECRET DÉFENSE
UK SECRET	SECRET DÉFENSE or CONFIDENTIEL DÉFENSE (see paragraph 2)
UK OFFICIAL-SENSITIVE	(see paragraphs 3 and 4)

(2) The UK shall handle and protect CONFIDENTIEL DÉFENSE classified information as UK SECRET in accordance with its national laws and regulations. The French Republic shall handle and protect UK SECRET classified information bearing the caveat “Handle as CONFIDENTIEL DÉFENSE” as “CONFIDENTIEL DÉFENSE”. The United Kingdom of Great Britain and Northern Ireland shall apply this caveat for UK SECRET classified information that would have been marked “UK CONFIDENTIAL” prior to 2 April 2014, or in other circumstances where it is practical to do so. This shall be agreed either as part of a Program Security Instruction (PSI) or any other appropriate documentation approved by the competent Security Authorities of the Parties.

(3) The French Republic shall handle and protect classified information bearing the marking “UK OFFICIAL-SENSITIVE” as “DIFFUSION RESTREINTE” in accordance with its national laws and regulations.

(4) The United Kingdom of Great Britain and Northern Ireland shall handle and protect “DIFFUSION RESTREINTE” as “UK OFFICIAL-SENSITIVE” in accordance with its national laws and regulations.

(5) Classified information jointly originated by the Parties shall bear the security classification and protection markings of both Parties. The applicable security classification markings that shall be applied by the Parties for jointly originated classified information are as follows:

UK TOP SECRET / TRÈS SECRET DÉFENSE
UK SECRET / SECRET DÉFENSE
UK SECRET / CONFIDENTIEL DÉFENSE (see paragraph 6)
UK OFFICIAL-SENSITIVE / DIFFUSION RESTREINTE

(6) For jointly originated classified information bearing the “UK SECRET / CONFIDENTIEL DÉFENSE” marking the United Kingdom of Great Britain and Northern Ireland shall protect this as “UK SECRET” and the French Republic shall protect this as “CONFIDENTIEL DÉFENSE”.

(7) “UK CONFIDENTIAL” classified information originated prior to 2 April 2014 shall be handled and protected by the French Republic as “CONFIDENTIEL DÉFENSE”.

(8) “UK RESTRICTED” classified information originated prior to 2 April 2014 shall be handled and protected by the French Republic as “DIFFUSION RESTREINTE”.

(9) Each Party shall notify the other of significant changes to its national laws and regulations that would affect the protection of classified information exchanged under this Agreement.”.

(3) Article 2 (Responsible Authorities) shall be amended as follows:

- (a) The words “Security Policy Division” shall be deleted.
- (b) The number “26” shall be replaced with “70”.
- (c) The word “2WH” shall be replaced with “2AS”.
- (d) The words “Secrétariat général de la défense nationale (S.G.D.N.)” shall be replaced with “Secrétariat général de la défense et de la sécurité nationale (S.G.D.S.N.)”.

(4) Article 3 (Security Measures) shall be amended as follows:

- (a) In paragraph (1), the words “and regulations” shall be added after “national laws”.
- (b) In paragraph (2), the words “paragraph (2) of” shall be deleted, and the words “Article 1” shall be replaced with “Article 2”.
- (c) In paragraph (3), the words “RESTRICTED and” shall be replaced with “OFFICIAL-SENSITIVE or”.
- (d) In paragraph (3), the words “1 (2) 1. and 2.” shall be replaced with “2(3) and 2(4)”.
- (e) In paragraph (7), the word “GSA” shall be replaced with “Agreement”.
- (f) In paragraph (9), the “/” shall be replaced with “or”.
- (g) In paragraph (9), the words “TRES SECRET DEFENSE” shall be replaced with “TRÈS SECRET DÉFENSE”.
- (h) In paragraph (10), the words “UK CONFIDENTIAL/CONFIDENTIEL DEFENSE and UK SECRET/SECRET DEFENSE levels” shall be replaced with “UK SECRET, SECRET DÉFENSE or CONFIDENTIEL DÉFENSE level”.

- (i) In paragraph (11), the words “UK CONFIDENTIAL/CONFIDENTIEL DEFENSE level or at the UK SECRET/SECRET DEFENSE” shall be replaced with “UK SECRET, SECRET DÉFENSE or CONFIDENTIEL DÉFENSE”.
  - (j) In paragraph (11), the words “(1) to (5)” shall be replaced with “1-5”.
  - (k) In paragraph (12), the words “UK CONFIDENTIAL/CONFIDENTIEL DEFENSE level or higher” and shall be replaced with “UK TOP SECRET, TRÈS SECRET DÉFENSE, UK SECRET, SECRET DÉFENSE or CONFIDENTIEL DÉFENSE level”.
  - (l) In paragraph (12), the words “(1) to (5)” shall be replaced with “1-5”.
  - (m) Paragraph (13) shall be deleted and replaced with “ (13) However, in order to simplify access to classified information, the Parties shall endeavour to agree in PSI or any other appropriate documentation approved by the competent Security Authorities concerned that the access limitations specified in paragraph (12) numbers 1-5 of this Article may be less stringent or not required”.
  - (n) In paragraph (14), the words “UK CONFIDENTIAL/CONFIDENTIEL DEFENSE level or higher” shall be replaced with “UK TOP SECRET, TRÈS SECRET DÉFENSE, UK SECRET, SECRET DÉFENSE or CONFIDENTIEL DÉFENSE level”.
  - (o) In paragraph (14), the word “SPECIAL” shall be replaced with “SPÉCIAL”.
- (5) Article 4 (Classified Contracts) shall be amended as follows:
- (a) The words “RESTRICTED and” shall be replaced with “OFFICIAL-SENSITIVE or”.
  - (b) The words “1 (2) 1. And 2” shall be replaced with “2(3) and 2(4)”.
  - (c) In paragraph (2), the words “RESTRICTED and” shall be replaced with “OFFICIAL-SENSITIVE or”.
  - (d) In paragraph (2), the words “1 (2) 1. and 2” shall be replaced with “2(3) and 2(4)”.
- (6) Article 5 (Performance of Classified Contracts) shall be amended as follows:
- (a) The words “Article 4” shall be replaced with “Article 5”.
  - (b) The words “UK CONFIDENTIAL/ CONFIDENTIEL DEFENSE level or higher” shall be replaced with “UK TOP SECRET, TRÈS SECRET DÉFENSE, UK SECRET, SECRET DÉFENSE, or CONFIDENTIEL DÉFENSE level”.
  - (c) In subparagraph 7, the words “RESTRICTED and” shall be replaced with “OFFICIAL-SENSITIVE or”.
  - (d) In subparagraph 7, the words “1 (2) 1. and 2” shall be replaced with “2(3) and 2(4)”.
- (7) Article 6 (Marking of Classified Information) shall be amended as follows:
- In paragraph (2), subparagraph 1, the words “paragraph (2) of” shall be deleted, and the words “Article 1” shall be replaced with “Article 2”.

(8) Article 7 (Reproduction and Destruction) shall be amended as follows:

- (a) In paragraph (2), the words “UK SECRET/SECRET DEFENSE and UK CONFIDENTIAL/CONFIDENTIEL DEFENSE” shall be replaced with “UK SECRET, SECRET DÉFENSE or CONFIDENTIEL DÉFENSE”.
- (b) In paragraph (3), the words “/TRES SECRET DEFENSE” shall be replaced with “or TRÈS SECRET DÉFENSE”.
- (c) In paragraph (3), “8” shall be replaced with “9”.

(9) Article 8 (Transmission of Classified Information) shall be amended as follows:

- (a) In paragraph (1), the words “/TRES SECRET DEFENSE” shall be replaced with “or TRÈS SECRET DÉFENSE”.
- (b) In paragraph (2), the words “UK CONFIDENTIAL/CONFIDENTIEL DEFENSE and UK SECRET/SECRET DEFENSE levels” shall be replaced with “UK SECRET, SECRET DÉFENSE or CONFIDENTIEL DÉFENSE level”.
- (c) In paragraph (3), the words “UK CONFIDENTIAL/CONFIDENTIEL DEFENSE” shall be replaced with “CONFIDENTIEL DÉFENSE”.
- (d) In paragraph (3), subparagraph 4, the word “commissioner” shall be replaced with “contractor”.
- (e) Paragraph (4) shall be deleted and replaced with: “ (4) Classified information at the UK OFFICIAL-SENSITIVE or French equivalent level defined in Article 2(3) and 2(4) shall be transmitted between the Parties in accordance with the national regulations of the sender which may include the use of commercial couriers”.
- (f) In paragraph (5), the words “UK CONFIDENTIAL/CONFIDENTIEL DEFENSE level or higher” shall be replaced with “UK TOP SECRET, TRÈS SECRET DÉFENSE, UK SECRET, SECRET DÉFENSE or CONFIDENTIEL DÉFENSE level”.
- (g) In paragraph (5), the words “the UK CONFIDENTIAL/CONFIDENTIEL DEFENSE level or higher” shall be replaced with “these levels”.
- (h) Throughout paragraph (5), the words “RESTRICTED and” shall be replaced with “OFFICIAL-SENSITIVE or”.
- (i) Throughout paragraph (5), the words “1 (2) 1. and 2” shall be replaced with “2(3) and 2(4)”.
- (j) In paragraph (5), the last sentence shall be deleted and replaced with “However, telephone conversations, video conferencing or facsimile transmissions containing classified information at the level of UK OFFICIAL-SENSITIVE or French equivalent defined in Article 2(3) and 2(4) may be transmitted in clear text, if an approved encryption system is not available”.

(10) Article 9 (Visits) shall be amended as follows:

- (a) In paragraph (3), the words “/TRES SECRET DEFENSE level is required, or access to UK CONFIDENTIAL/CONFIDENTIEL DEFENSE or UK SECRET/SECRET DEFENSE” shall be replaced with “or TRÈS SECRET DÉFENSE level is required, or access to classified information at the UK SECRET, SECRET DÉFENSE or CONFIDENTIEL DÉFENSE level is required”.
- (b) In paragraph (4), the words “UK CONFIDENTIAL/CONFIDENTIEL DEFENSE or UK SECRET/SECRET DEFENSE levels” shall be replaced with “UK SECRET, SECRET DÉFENSE or CONFIDENTIEL DÉFENSE level”.
- (c) In paragraph (4), subparagraph 2. f), the word “with” shall be deleted in the English version of the Agreement.
- (d) In paragraph (5), the words “RESTRICTED and” shall be replaced with “OFFICIAL-SENSITIVE or”.
- (e) In paragraph (5), the words “1 (2) 1. and 2” shall be replaced with “2(3) and 2(4)”.

(11) Article 10 (Violations of Provisions on the Protection of Classified Information) shall be amended as follows:

In paragraph 3, the words “have occurred to” shall be replaced with “have occurred in respect of”.

(12) Article 14 (Final Provisions) shall be amended as follows:

- (a) In paragraph (2), “14” shall be replaced with “15”.
- (b) A new paragraph (5) shall be added as follows:

“Within two years after the 30 June 2014 the NSAs referred to in Article 3 shall review the provisions and the application of this Agreement, in particular regarding the application of Article 2.”

XX corresponds to the date of entry into force of the amendments.

A consolidated version of the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic incorporating the aforementioned amendments is set out in the Annex to this Note for information only.

If the foregoing proposal is acceptable to the Government of the French Republic, the British Embassy has the honour to propose that this Note and the Ministry’s note in reply shall constitute an agreement amending the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the French Republic concerning the Mutual Protection of Classified Information, which shall enter into force on the date of the Ministry’s note in reply.

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



## No.2

*Ministry of Foreign Affairs and International Development of the French Republic to British Embassy, Paris*

The Ministry of Foreign Affairs and International Development of the French Republic presents its compliments to the British Embassy Paris and has the honour to refer to the Embassy's Note No. 59 of May 27<sup>th</sup> 2014 proposing amendments to the Agreement between the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland concerning the Mutual Protection of Classified Information, done at London on 27 March 2008 which reads as follows:

[As in Note No. 1]

The Ministry of Foreign Affairs and International Development of the French Republic has the honour to inform the Embassy that the foregoing is acceptable to the Government of the French Republic and that the British Embassy's Note and this Note in reply from the Ministry of Foreign Affairs and International Development on behalf of the Government of the French Republic shall constitute an agreement amending the Agreement between the Government of the French Republic and the Government of the United Kingdom of Great Britain and Northern Ireland concerning the Mutual Protection of Classified Information which shall enter into force on the date of this reply Note.

The Ministry of Foreign Affairs and International Development of the French Republic avails itself of this opportunity to renew to the British Embassy the assurance of its highest consideration.

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