

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2017 Nr. 193 HERUITGAVE

A. TITEL

Briefwisseling houdende een verdrag tussen de Regering van het Koninkrijk der Nederlanden en de Regering van de Verenigde Staten van Amerika inzake de beveiliging van gerubriceerde gegevens (met Bijlage); Washington, 18 augustus 1960

Voor een overzicht van de verdragsgegevens, zie verdragsnummers 013550 en 013554 in de Verdragenbank.

B. TEKST

Nr. I

DEPARTMENT OF STATE

Washington, August 18, 1960

CONFIDENTIAL

Sir,

I refer to recent discussions between representatives of our respective Governments concerning the desirability of extending to all classified information exchanged between our two Governments the same principles which our Governments have agreed to apply in safeguarding classified information covered by the Security Agreement by the Parties to the North Atlantic Treaty, approved by the North Atlantic Council on January 6, 1950, and the Basic Principles and Minimum Standards of Security, approved by the Council of March 2, 1955 (NATO Document C-M (55)15(Final)).

I propose, therefore, that all classified information communicated directly or indirectly between our two Governments be protected in accordance with such principles, namely that the recipient:

- a) Will not release the information to a third Government without the approval of the releasing Government.
- b) Will undertake to afford the information substantially the same degree of protection afforded it by the releasing Government.
- c) Will not use the information for other than the purpose given.
- d) Will respect private rights, such as patents, copyrights, or trade secrets which are involved in the information, it being understood that with regard to patent rights and technical information for defense purposes the Agreement of 29th April 1955 between our Governments to facilitate the interchange of Patent Rights and Technical Information for Defense Purposes, will apply.

This arrangement would apply to all information furnished by the United States Government and classified "Confidential", "Secret" or "Top Secret" and to such information as your Government designated as coming within the purview of this arrangement. It would not, however, apply to information for which special agreements may be required, such as atomic energy information which the United States designates as Restricted Data.

Recognizing that protection of the classified information exchanged hereunder, particularly in the field of research on, and development and production of defense material is essential to the national safety and security of both our countries, general procedures for safeguarding the information would be as set forth in the Annex hereto.

The details regarding channels of communication and the application of the foregoing principles would be the subject of technical arrangements between appropriate agencies of our respective Governments.

If the foregoing is agreeable to your Government, I propose that this note and your reply to that effect, designating the types of information your Government wishes covered, shall constitute an agreement on this matter effective the date of your reply.

Accept, Sir, the renewed assurances of my high consideration.

For the Acting Secretary of State:

IVAN B. WHITE

Enclosure:

Annex of General Security Procedures.

*The Honorable
E.L.C. Schiff
Chargé d'Affaires ad interim of the Netherlands*

Annex of General Security Procedures

1. Official information given a security classification by either of our two Governments or by agreement of our two Governments and furnished by either Government to the other through Government channels still be assigned a classification by appropriate authorities of the receiving Government which will assure a degree of protection equivalent to or greater than that required by the Government furnishing the information.
2. The recipient Government will not use such information for other than the purposes for which it was furnished and will not disclose such information to a third Government without the prior consent of the Government which furnished the information.
3. With respect to such information furnished in connection with contracts made by either Government, its agencies, or private entities or individuals within its territory with the other Government, its agencies, or private entities or individuals within its territory, the Government of the country in which performance under the contract is taking place will assume responsibility for administering security measures for the protection of such classified information in accordance with standards and requirements which are administered by that Government in the case of contractual arrangements involving information it originated of the same security classification. Prior to the release of any such information which is classified CONFIDENTIAL or higher to any contractor or prospective contractor, the Government considering release of the information will undertake to ensure that such contractor or prospective contractor and his facility have the capability to protect the classified information adequately, will grant an appropriate facility clearance to this effect, and will undertake, in accordance with national practice, to grant appropriate security clearances for all personnel whose duties would require access to the classified information.
4. The recipient Government will also:
 - a) Insure that all persons having access to such classified information are informed of their responsibilities to protect the information in accordance with applicable laws.
 - b) Carry out security inspections of facilities within its territory which are engaged in contracts involving such classified information.
 - c) Assure that access to such classified information at facilities described in subparagraph b. is limited to those persons who require it for official purposes. In this connection, a request for authorization to visit such a facility when access to the classified information is involved will be submitted to the appropriate department or agency of the Government where the facility is located by an agency designated for this purpose by the other Government, and the request will include a statement of the security clearance and official status of the visitor and of the necessity for the visit. Blanket authorizations for visits over extended periods may be arranged. The Government to which the request is submitted will be responsible for advising the contractor of the proposed visit and for authorizing the visit to be made.
5. Costs incurred in conducting security investigations or inspections required hereunder will not be subject to reimbursement.

6. Classified information and material will be transferred only on a government-to-government basis.
7. The Government which is the recipient of material produced under contract in the territory of the other Government undertakes to protect classified information contained therein in the same manner as it protects its own classified information.

Nr. II

EMBASSY OF THE NETHERLANDS

Washington, August 18, 1960

Sir,

I have the honor to acknowledge receipt of your Note of August, 18, 1960, with Annex of General Security Procedures, concerning the safeguarding of all classified information exchanged between our two Governments, reading as follows:

(Zoals in Nr. I)

In reply I have the honor to confirm that the arrangement as set forth in your Note and Annex is acceptable to the Netherlands Government. For its part the Netherlands Government states that all information classified "Confidential", "Secret" or "Top Secret" will come within the purview of this arrangement.

The Netherlands Government furthermore agrees that your Note and this reply constitute an Agreement between our two Governments on this subject, to be effective as of today.

Accept, Sir, the renewed assurances of my highest consideration.

E.L.C. SCHIFF
Chargé d'Affaires ad interim

*The Honorable
The Acting Secretary of State,
Department of State*

Op 6 april 1981 is bij notawisseling een verdrag tot stand gekomen tot wijziging van de Briefwisseling van 18 augustus 1960. De Engelse tekst luidt als volgt:

Nr. I

EMBASSY OF THE UNITED STATES OF AMERICA

The Hague, 4 March 1981

Ministry of Foreign Affairs

No. 22

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and has the honor to refer to the Agreement of August 18, 1960 concerning the safeguarding of classified information exchanged between our two Governments. The Embassy proposes that the Annex of General Security Procedures to the Agreement be amended by the addition of the following two paragraphs four and five.

4. Each Government will permit security experts of the other Government to make periodic visits to its territory, when it is mutually convenient, to discuss with its security authorities its procedures and facilities for the protection of classified military information furnished to it by the other Government. Each Government will assist such experts in determining whether such information provided to it by the other Government is being adequately protected.
5. The recipient Government will investigate all cases in which it is known or there are grounds for suspecting that classified military information from the originating country has been lost or disclosed to unauthorized persons. The responsible Government agency of the originating country will, without delay, be fully advised of such occurrences and of the final findings and corrective action taken to preclude recurrences.

If the foregoing is agreeable to your Government, the Embassy proposes that this Note and your affirmative reply shall constitute an amendment of the Annex to the Agreement effective the date of your reply.

The Embassy of the United States of America renews to the Ministry of Foreign Affairs the assurances of its highest consideration.

Ministry of Foreign Affairs

Nr. II

MINISTRY OF FOREIGN AFFAIRS

The Hague, 6 april 1981

DVE/VV-NA 1681

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States of America and, with reference to the Agreement of 18 August 1960 concerning the safeguarding of classified information, has the honour to acknowledge receipt of the Embassy's note No. 22 of 4 March 1981, which reads as follows:

(Zoals in Nr. I)

The Ministry wishes to confirm that the proposal set forth in the above-mentioned note is agreeable to the Government of the Kingdom of the Netherlands, and that the Embassy's note, together with this note shall constitute an amendment of the Annex to the Agreement effective on the date of the present note.

Embassy of the United States of America

D. PARLEMENT

Het in de brieven vervatte verdrag, met bijlage, en het in de nota's vervatte verdrag behoeven ingevolge artikel 91 van de Grondwet, juncto artikel 11, eerste lid, van de Rijkswet goedkeuring en bekendmaking verdragen, alsnog de goedkeuring van de Staten-Generaal.

G. INWERKINGTREDING

De bepalingen van het in de brieven vervatte verdrag, met bijlage, zijn ingevolge de voorlaatste alinea's van brieven nr. I en II op 18 augustus 1960 in werking getreden.

De bepalingen van het in de nota's vervatte wijzigingsverdrag zijn ingevolge de voorlaatste alinea's van brieven nr. I en II op 6 april 1981 in werking getreden.

Wat betreft het Koninkrijk der Nederlanden, gelden het in de brieven vervatte verdrag, met bijlage, en het in de nota's vervatte verdrag alleen voor Nederland (het Europese deel).

Verdrag van 18 augustus 1960

Koninkrijk der Nederlanden

Land	Voorlopige toepassing	In werking	Terugwerkende kracht	Buiten werking
Nederland (in Europa)		18-08-1960		
Nederland (Bonaire)				
Nederland (Sint Eustatius)				
Nederland (Saba)				
Aruba				
Curaçao				
Sint Maarten				

Verdrag van 6 april 1981

Koninkrijk der Nederlanden

Land	Voorlopige toepassing	In werking	Terugwerkende kracht	Buiten werking
Nederland (in Europa)		06-04-1981		
Nederland (Bonaire)				
Nederland (Sint Eustatius)				
Nederland (Saba)				
Aruba				
Curaçao				
Sint Maarten				

Uitgegeven de *elfde* december 2017.

De Minister van Buitenlandse Zaken,

H. ZIJLSTRA