



Treaty Series No. 26 (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 Federal Republic of Germany concerning the Mutual Protection of Protectively Marked Information

Berlin, 31 March 2014 and 23 April 2014

[The Exchange of Notes entered into force on 23 April 2014]

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

Cm 9269



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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 FEDERAL REPUBLIC  
OF GERMANY CONCERNING THE MUTUAL PROTECTION OF  
PROTECTIVELY MARKED INFORMATION**

**No.1**

*British Embassy Berlin, to the Federal Foreign Office of the Federal Republic of Germany*

*31 March 2014*

The British Embassy Berlin presents its compliments to the Federal Foreign Office of the Federal Republic of Germany and has the honour to refer to discussions which have taken place between our two Governments concerning the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Federal Republic of Germany concerning the Mutual Protection of Protectively Marked Information done at London on 9 May 2003<sup>1</sup> ('the Agreement'). As a result of those discussions it is the understanding of the Government of the United Kingdom of Great Britain and Northern Ireland that the following arrangements will apply:

To recognise changes in the UK classification system that will come into effect on 2 April 2014, the Governments of the United Kingdom of Great Britain and Northern Ireland and of the Federal Republic of Germany, through their respective National Security Authorities, namely the UK National Security Authority, as represented by the Cabinet Office, and the German National Security Authority, as represented by the Bundesministerium des Innern, have decided the following:

1. That the Governments of the United Kingdom and the Federal Republic of Germany both remain committed to protect each other's classified information to jointly decided and acceptable standards, as established by the Agreement
2. The Governments of the United Kingdom and of the Federal Republic of Germany through their respective National Security Authorities decided during bilateral discussions in Berlin on 15-16 January 2014 that in addition to the amendments to the Agreement that will be required as a result of the changes to the UK classification system the Agreement is in need of more substantial amendment. Both Governments have decided and committed to renegotiate a new Security Agreement to replace the existing Agreement.
3. The Agreement will continue to remain in force until a new Security Agreement is concluded but the Government of the Federal Republic of Germany has decided to take into account the UK's classification changes from 2 April 2014 as follows:

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<sup>1</sup> Treaty Series No. 029 (2003) Cm 5894

- a. The UK no longer has the level UK RESTRICTED. Instead UK OFFICIAL – SENSITIVE will be equivalent to VS-NUR FÜR DEN DIENSTGEBRAUCH.
  - b. The UK no longer has the level UK CONFIDENTIAL.
4. After 2 April 2014 the equivalence table will be:

<b>IN THE UK</b>	<b>IN GERMANY</b>
UK TOP SECRET	STRENG GEHEIM
UK SECRET	GEHEIM
<i>See paragraph 5</i>	VS-VERTRAULICH
UK OFFICIAL - SENSITIVE	VS-NUR FÜR DEN DIENSTGEBRAUCH

5. The UK will afford VS-VERTRAULICH classified information an equivalent level of protection as it would for UK SECRET. The Government of the United Kingdom of Great Britain and Northern Ireland through the UK National Security Authority has reassured the Government of the Federal Republic of Germany as represented by the German National Security Authority that the UK will not re-mark VS-VERTRAULICH classified information in its possession, and that national policy will set out guidance on how unintentional escalation will be avoided.

If the arrangements set out above are acceptable to the Government of the Federal Republic of Germany, the British Embassy has the honour to suggest that this Note and the Federal Foreign Office’s reply to that effect will place on record the understanding of our two Governments in this matter which will come into effect on the date of Federal Foreign Office’s reply.

The British Embassy Berlin avails itself of this opportunity to renew to the Federal Foreign Office of the Federal Republic of Germany the assurance of its highest consideration.”

## No.2

*Federal Foreign Office of the Federal Republic of Germany to the Embassy of the United Kingdom of Great Britain and Northern Ireland Berlin*

*23 April 2014*

The Federal Foreign Office of the Federal Republic of Germany presents its compliments to the Embassy of the United Kingdom of Great Britain and Northern Ireland and has the honour to confirm receipt of the Embassy's Note Verbale No. 31/2014 dated 31 March 2014 referring to the London Agreement of 9 May 2003 between the Government of the Federal Republic of Germany and the Government of the United Kingdom of Great Britain and Northern Ireland concerning the Mutual Protection of Protectively Marked Information ("the Agreement"), which reads as follows:

[As in No.1]

The Federal Foreign Office has the honour to inform the Embassy of the United Kingdom of Great Britain and Northern Ireland that the Government of the Federal Republic of Germany agrees to the proposals made by the Government of the United Kingdom of Great Britain and Northern Ireland. Accordingly, Note Verbale No. 31/2014 of the Embassy of the United Kingdom of Great Britain and Northern Ireland dated 31 March 2014 and this Note in reply thereto shall constitute an Arrangement between the Government of the Federal Republic of Germany and the Government of the United Kingdom of Great Britain and Northern Ireland, which shall enter into force on the date of this Note Verbale and whose German and English texts shall be equally authentic.

The Federal Foreign Office of the Federal Republic of Germany avails itself of this opportunity to renew to the Embassy of the United Kingdom of Great Britain and Northern Ireland the assurance of its high consideration.

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