

EXPLANATORY MEMORANDUM ON THE AGREEMENT AMENDING THE AGREEMENT BETWEEN THE UK GOVERNMENT AND THE GOVERNMENT OF BULGARIA CONCERNING THE PROTECTION OF CLASSIFIED INFORMATION

Title of Agreement

1. Agreement on Amending the Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Bulgaria concerning the Protection of Classified Information.

Command Paper Number: 8997

SUBJECT MATTER

2. The bilateral Agreement signed in Sofia on 11 September 2012 (hereinafter the “2012 Agreement”) concerns the mutual protection of classified information exchanged between the Government of the United Kingdom and the Government of the Republic of Bulgaria, or passed to commercial and industrial organisations in either of the two countries.
3. The 2012 Agreement addresses the following subjects: equivalent markings and security standards for the protection of classified information; restrictions on how and when such information can be used, transmitted or disclosed; rules and notification procedures governing access to classified material by contractors and visitors; reciprocal industrial security arrangements; protocols following the loss or compromise of classified material; and dispute resolution procedures.
4. On 2 April 2014 the UK changed its classification policy. The purpose of this Agreement, signed on 28 October 2014 by HM Ambassador and the Chairperson of the State Commission on Information Security, is to amend the 2012 Agreement to reflect these changes.

MINISTERIAL RESPONSIBILITY

5. The Secretary of State for Foreign and Commonwealth Affairs has overall responsibility for policy concerning the United Kingdom’s relations with the Republic of Bulgaria; however the Cabinet Office has responsibility for the implementation of protective security policy in the UK. The Home Secretary has responsibility for policy matters relating to national security (except in Scotland). The Secretary of State for Defence also has a policy interest in this area.

POLICY CONSIDERATIONS

6. This Agreement provides a legal basis for the protection for all classified information exchanged between the United Kingdom and the Republic of Bulgaria, including in areas such as defence, law enforcement, counter-terrorism and security. The Agreement does not oblige either Party to exchange classified information with the other, it only provides a legal mechanism for Government authorities, and Government authorised companies, to facilitate any exchanges.

FINANCIAL

7. There are no significant direct financial implications for the United Kingdom. Any costs incurred by either party in the application of the security provisions of this Agreement would be borne by that party.

RESERVATIONS AND DECLARATIONS

8. Not applicable.

IMPLEMENTATION

9. The Agreement (and therefore the amendments to the 2012 Agreement) will come into effect on the first day of the second month only when notifications have been exchanged between both countries informing each other that their respective internal procedures necessary to give effect to the Agreement have been completed..
10. No new legislation is required in the UK to implement the Agreement.

CONSULTATIONS

11. Relevant Government departments were consulted throughout the negotiations.



The Rt Hon David Lidington MP
Minister for Europe
Foreign and Commonwealth Office