

EXPLANATORY MEMORANDUM ON THE AGREEMENT BETWEEN THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE KINGDOM OF SPAIN CONCERNING THE PROTECTION OF CLASSIFIED INFORMATION

Title of Agreement

1. Agreement between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Spain concerning the protection of classified information.

Command Paper Number: 9130

Subject Matter

2. This bilateral Agreement concerns the mutual protection of classified information exchanged between the Government of the United Kingdom and the Government of Spain, or passed to commercial and industrial organisations in either of the two countries. The Agreement was signed in Madrid on 5 February 2015 by the Deputy National Security Adviser, Paddy McGuinness and the Director of the Spanish National Intelligence Centre, General Félix Sanz Roldán.
3. The 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.

Ministerial Responsibility

4. The Secretary of State for Foreign and Commonwealth Affairs has overall responsibility for policy concerning the United Kingdom's relations with Spain; 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

General

5. This Agreement will replace the General Security Agreement between the United Kingdom of Great Britain and Northern Ireland and the Kingdom of Spain concerning the protection of classified information exchanged between the two countries, signed on 26 February 2009. The revised Agreement reflects the changes to the UK Classification policy that came into effect on 2 April 2014.
6. This Agreement will provide a legal basis for the protection for all classified information exchanged between the United Kingdom and Spain, 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.

7. The Agreement will allow UK companies to bid for Spanish classified contracts, and vice-versa.

Financial

8. 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 will be borne by that party.

Reservations and Declarations

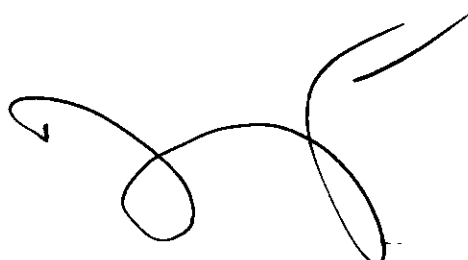
9. Not applicable.

Implementation

10. The Agreement will come into effect on the first day of the second month after notifications have been exchanged between both countries that all the steps required to implement this Agreement have been undertaken.
11. No new legislation is required in the UK to implement the Agreement.

Consultations

12. The relevant Government departments and Agencies were consulted throughout the negotiations.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned above the typed name of the Minister.

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

September 2015