TECHNICAL ARRANGEMENT

AMONG

THE NATIONAL COORDINATION CENTER FOR CYBERSECURITY UNDER THE NATIONAL SECURITY AND DEFENCE COUNCIL OF UKRAINE

AND

THE MINISTRY OF DEFENCE OF THE

REPUBLIC OF ESTONIA,

THE MINISTER OF DEFENCE

OF THE KINGDOM OF BELGIUM,

THE MINISTRY OF DEFENCE

OF THE REPUBLIC OF BULGARIA,

THE NATIONAL DEPARTMENT OF DEFENCE OF CANADA AND CANADIAN ARMED FORCES,

THE MINISTRY OF DEFENCE

OF THE REPUBLIC OF CROATIA,

THE National security authority of the

czech republic,

THE MINISTRY OF DEFENCE OF DENMARK,

THE MINISTER OF DEFENCE OF THE

FRENCH REPUBLIC,

THE FEDERAL MINISTRY OF DEFENCE OF THE FEDERAL REPUBLIC OF GERMANY,

THE MINISTRY OF NATIONAL DEFENCE OF THE   
HELLENIC REPUBLIC,

THE MINISTRY OF DEFENCE OF

HUNGARY,

THE MINISTRY OF DEFENCE OF THE

ITALIAN REPUBLIC,

THE MINISTRY OF DEFENCE OF THE

REPUBLIC OF LATVIA,

THE MINISTRY OF NATIONAL DEFENCE OF THE

REPUBLIC OF LITHUANIA,

THE MINISTER OF DEFENCE OF THE GRAND DUCHY

OF LUXEMBOURG,

The Ministry of DefenCe of Montenegro,

THE MINISTER OF DEFENCE OF THE

KINGDOM OF THE NETHERLANDS,

THE MINISTRY OF DEFENCE

OF THE KINGDOM OF NORWAY,

THE MINISTER OF NATIONAL DEFENCE OF THE

REPUBLIC OF POLAND,

THE MINISTRY OF NATIONAL DEFENCE

OF PORTUGAL,

THE MINISTRY OF NATIONAL DEFENCE

OF ROMANIA,

THE MINISTRY OF DEFENCE OF THE

SLOVAK REPUBLIC,

THE MINISTRY OF DEFENCE

OF THE REPUBLIC OF slovenia,

THE MINISTER OF DEFENCE OF THE

KINGDOM OF SPAIN,

THE GENERAL STAFF OF THE REPUBLIC OF TÜRKIYE (ACTING ON BEHALF OF THE GOVERNMENT OF THE REPUBLIC OF TÜRKIYE),

THE MINISTRY OF DEFENCE OF THE

UNITED KINGDOM,

AND

THE DEPARTMENT OF DEFENSE OF THE

UNITED STATES OF AMERICA

REGARDING THE CONTRIBUTIONS OF

THE NATIONAL COORDINATION CENTER FOR CYBERSECURITY UNDER THE NATIONAL SECURITY AND DEFENCE COUNCIL OF UKRAINE

TO THE OPERATION OF THE NATO COOPERATIVE CYBER DEFENCE

CENTRE OF EXCELLENCE

The National Coordination Center for Cybersecurity under the National Security and Defence Council of Ukraine,

– hereinafter referred to as the "Contributing Participant or CP" –

NOTING the establishment of the NATO Cooperative Cyber Defence Centre of Excellence (NATO CCD COE) in Tallinn, Republic of Estonia, and the activation thereof as an International Military Organisation by the North Atlantic Council of NATO,

CONSIDERING supporting the operation of the NATO CCD COE by contributing to the mission of the NATO CCD COE to provide subject matter expertise in the field of cyber defence;

DESIRING to establish an arrangement setting forth the terms and conditions for a mutually beneficial cooperation,

and

the Ministry of Defence of the Republic of Estonia,

the Ministry of Defence of the Kingdom of Belgium,

the Ministry of Defence of the Republic of Bulgaria,

the National Department of Defence of Canada and Canadian Armed Forces,

the Ministry of Defence of the Republic of Croatia,

the National Security Authority of the Czech Republic,

the Ministry of Defence of Denmark,

the Minister of Defence of the French Republic,

the Federal Ministry of Defence of the Federal Republic of Germany,

the Ministry of National Defence of the Hellenic Republic,

the Ministry of Defence of Hungary,

the Ministry of Defence of the Italian Republic,

the Ministry of Defence of the Republic of Latvia,

the Ministry of National Defence of the Republic of Lithuania,

the Minister of Defence of the Grand Duchy of Luxembourg,

the Ministry of Defence of Montenegro,

the Minister of Defence of the Kingdom of the Netherlands,

the Ministry of Defence of the Kingdom of Norway,

the Minister of National Defence of the Republic of Poland,

the Ministry of National Defence of Portugal,

the Ministry of National Defence of Romania,

the Ministry of Defence of the Slovak Republic,

the Ministry of Defence of the Republic of Slovenia,

the Minister of Defence of the Kingdom of Spain,

the General Staff of the Republic of Türkiye (Acting on behalf of the Government of the Republic of Türkiye),

the Ministry of Defence of the United Kingdom,

and the Department of Defense of the United States of America

* hereinafter referred to as the “NATO CCDCOE Sponsoring Nations”

CONSIDERING that, as the NATO CCDCOE Sponsoring Nations, they have welcomed the CP to the NATO CCDCOE as of May 6, 2014 in accordance with the Memorandum of Understanding among the Ministry of Defence of the Republic of Estonia, the Minister of Defence of the Kingdom of Belgium, the Ministry of Defence of the Republic of Bulgaria, the National Department of Defence of Canada and Canadian Armed Forces, the Ministry of Defence of the Republic of Croatia, the National Cyber and Information Security Agency of the Czech Republic, the Ministry of Defence of Denmark, the Minister of Defence of the French Republic, the Federal Ministry of Defence of the Federal Republic of Germany, the Ministry of National Defence of the Hellenic Republic, the Ministry of Defence of Hungary, the Ministry of Defence of the Italian Republic, the Ministry of Defence of the Republic of Latvia, the Ministry of National Defence of the Republic of Lithuania, the Minister of Defence of the Grand Duchy of Luxembourg, the Ministry of Defence of Montenegro, the Minister of Defence of the Kingdom of the Netherlands, the Ministry of Defence of the Kingdom of Norway, the Minister of National Defence of the Republic of Poland, the Minister of National Defence of the Portuguese Republic, the Ministry of National Defence of Romania, the Ministry of Defence of the Slovak Republic, the Minister of Defence of the Kingdom of Spain, the General Staff of the Republic of Türkiye, the Ministry of Defence of the United Kingdom, and the Department of Defense of the United States of America concerning the Establishment, Administration and Operation of the NATO Cooperative Cyber Defence Centre of Excellence, signed on 14 May 2008 and amended on 28 March 2011 and 21 August 2013 (NATO CCDCOE Operation MOU), and relevant NATO policies;

CONFIRMING that a contribution by the CP in support of the operation of the NATO CCDCOE would conform with the NATO CCDCOE Operation MOU and relevant NATO policies and for that reason would be most welcome;

CONSIDERING the Agreement between the Government of Ukraine and the North Atlantic Treaty Organisation on the Security of Information, done at Brussels on 13 March 1995;

CONSIDERING the Agreement between the Republic of Estonia and the Supreme Headquarters Allied Powers Europe and Headquarters, Supreme Allied Commander Transformation to Supplement the Paris Protocol, effective 22 August 2013;

have reached the following understanding in the form of this Technical Arrangement (hereinafter referred to as the "TA") for their cooperation at the NATO CCDCOE:

# 1. SCOPE AND GENERAL UNDERSTANDING

1.1 The CP, acknowledging the content of the Memorandum of Understanding between the NATO CCDCOE Sponsoring Nations and the Headquarters, Supreme Allied Commander Transformation concerning the Functional Relationship regarding the NATO CCDCOE (NATO CCDCOE Functional Relationship MOU) signed on 14 May 2008 and the NATO CCDCOE Operation MOU, desires to be a CP to the NATO CCDCOE and offers, for that purpose, the contribution detailed in Section 2.

1.2. The NATO CCDCOE Sponsoring Nations, recognising the value of the contribution offered by the CP to the NATO CCDCOE, express their willingness to accept the National Coordination Center for Cybersecurity under the National Security and Defence Council of Ukraine as a CP and to share the products and services of the NATO CCDCOE created or enhanced by capitalising on this contribution, subject to the provisions of Section 3.

1.3. The CP and the NATO CCDCOE Sponsoring Nations (each a “TA Participant” and collectively referred to as "the TA Participants") confirm their understanding that the scope of this TA is limited to the cooperation with respect to the NATO CCDCOE.

1.4. The CP and the Estonian TA Participant as the Framework Nation of the NATO CCDCOE may enter into bilateral arrangements concerning any issues arising out of, or affecting, the cooperation based upon this TA. They should inform the other TA Participants of such bilateral arrangements. These arrangements can not include statements and provisions which are not consistent with this TA.

1.5. As appropriate, the TA Participants may mutually or individually conclude arrangements with other governmental or non-governmental organisations, institutions or entities to enable or enhance the effectiveness and efficiency of their cooperation under this TA.

# 2. CONTRIBUTION

2.1.  The CP contributes to the mission of the NATO CCDCOE by providing up to two staff officers, but a minimum of one, civilian or military, appointed by the CP (hereinafter referred to as the “SO”) to the staff of the NATO CCDCOE. All arising costs are the responsibility of the CP. The SO is to only be assigned to tasks related to the mutually approved upon projects and services in accordance with Paragraph 3.6. of the TA. The initial contribution period under this TA is three years which may be extended in accordance with Paragraph 5.1.

2.2. Furthermore, for the duration of the TA, the CP contributes an annual financial contribution per SO in an amount equal to the cost share fee prescribed in the most recent decision of the NATO CCDCOE Steering Committee for the Sponsoring Nations of the NATO CCDCOE. The amount of the annual financial contribution of the CP per SO may be prorated, if the CP contribution period is not to be for a complete calendar year. The financial contribution of the CP is to be recorded and accounted for as revenue in the NATO CCDCOE budget. Changes in the per capita payment may occur when approved by the NATO CCDCOE Steering Committee, and will affect the CP’s annual contribution during this TA and upon extension of this TA.

2.3. The NATO CCDCOE Sponsoring Nations confirm that, subject to the applicable NATO regulations and policies, the SO should only be assigned tasks for the benefit of the NATO CCDCOE.

# 3. SHARED PRODUCTS AND SERVICES

3.1. The CP's contribution is to be for the purpose of creating or enhancing the NATO CCDCOE’s products and services.

3.2. The NATO CCDCOE intends to share the products and services mentioned in Section 3.1 with the CP, in accordance with existing NATO security regulations. The SO posted to the NATO CCDCOE and the CP are to only have permission to access NATO information (NATO Unclassified up to NATO Secret) which has specifically been authorized for release to the CP or Partnership for Peace Programme (PfP) countries. The TA Participants understand that the NATO CCDCOE intends to share the said products with all TA Participants upon completion and may share any drafts thereof, as appropriate. Additionally, the CP may share the NATO CCDCOE’s products resulting from the cooperation detailed in this TA, as appropriate and in accordance with the intellectual property rights.

3.3. If the CP has suggestions for the Programme of Work (hereinafter referred as the “POW”), it may make such suggestions to the NATO CCDCOE Director. The NATO CCDCOE Director should present such items to the NATO CCDCOE Steering Committee for approval.

3.4. For courses provided by or through the NATO CCDCOE, individual course fees are to be waived for participants sponsored by the CP.

3.5. The SO is to be posted to the NATO CCDCOE. In addition, the SO serves as the main facilitator for the relationship between the CP and the NATO CCDCOE.

3.6. The specific projects to include the CP contribution should be determined in the NATO CCDCOE’s annual POW subject to approval by the NATO CCDCOE Steering Committee.

3.7. Ownership of the intellectual property generated within the framework of this TA is to be held and administered by the NATO CCDCOE, unless otherwise decided.

# 4. SECURITY AND CONFIDENTIALITY

4.1. The CP acknowledges the security and confidentiality regulations and policies in place at the NATO CCDCOE. The CP should ensure that its personnel observe these regulations and policies.

4.2. The CP ensures the SO will be cleared to NATO SECRET level before arrival.

4.3. Access of the SO to the activities, information and areas of the NATO CCDCOE is regulated by the existing NATO security regulations. In case of doubt regarding such access, the decision to grant access to the SO is made by the Director of the NATO CCDCOE. The SO posted to the NATO CCDCOE and the CP only have permission to access NATO non-classified information, which has specifically been authorised for release to the CP by the information originator or by the NATO CCDCOE Director. The SO posted to the NATO CCDCOE and the CP do not have permission to access NATO classified information, unless the NATO classified information has undergone the formal release procedures.

4.4. NATO classified information and national classified information releasable to NATO that is stored, handled, generated, transmitted or exchanged as a result of the execution of this TA is treated in accordance with C-M(2002)49 “Security within the North Atlantic Treaty Organisation”, dated 17 June 2002, in the respective authorised edition, including all supplements and revisions thereto, the TA Participants’ national laws and regulations, and existing security agreements and arrangements. Non-classified NATO information is dealt with in accordance with C-M(2002)60 “Handling of Non-Classified NATO Information”, dated 24 July 2002, in the respective authorised edition, including all supplements and revisions thereto.

4.5. For the CP, the above mentioned document versions in effect at the date of the signature of this TA apply. The NATO CCDCOE informs the CP about any future supplements and revisions to these documents. In case of controversy about the application of such supplements and revisions, the CP and the NATO CCDCOE are to solve the issue through consultations.

4.6. In the event of termination or withdrawal from this TA, the NATO CCDCOE discontinues the CP’s access to the products and the services of the NATO CCDCOE as described in this TA. The CP should take the necessary measures to ensure that the provisions relating to security, disclosure of information and confidentiality remain in effect.

# 5. APPLICABILITY, DURATION AND TERMINATION

5.1. This TA becomes effective upon the last signature hereto. This TA is to be concluded for a period of three years, which may be extended by the mutual written consent of the TA Participants. All TA Participants understand that the provisions of this TA apply from the date of the last signature.

5.2. Any TA Participant may withdraw from the TA in writing giving at least a six month notice to the other TA Participants. Withdrawal of any TA Participant will terminate the TA as of the next fiscal year following the end of the 6 month notice period.

5.3. If one or more of the NATO CCDCOE Sponsoring Nations terminate their participation in the NATO CCDCOE, the remaining NATO CCDCOE Sponsoring Nations may continue the cooperation with the CP. However, the remaining TA Participants may seek advice from the NATO CCDCOE Director concerning the need to alter this TA.

5.4. This TA may be revised at any time in writing by mutual consent of all the TA Participants.

# 6. FINAL PROVISIONS

6.1. Any new Sponsoring Nation of the NATO CCDCOE should be informed about this TA before the Notes of Joining to the Memorandum of Understanding are signed. It is understood that by virtue of joining the NATO CCDCOE, the new Sponsoring Nation accedes to this TA.

6.2. This TA does not constitute an international agreement and the TA Participants do not intend to create any rights or obligations under international law by virtue of this TA. They do not intend to cause a conflict between this TA and the relevant national or international law. Should such conflict nevertheless arise, the affected national or international law prevails over this TA. The TA Participant whose national laws or obligations under international law are affected should notify the other TA Participants in writing.

6.3. Any dispute regarding the interpretation or application of this TA is to be resolved first by consultation between the TA Participants involved and will not be referred to any national or international tribunal or third party for settlement.

This TA is signed in one original in the English and French languages, both versions being equally valid. The original should be deposited with the Ministry of Defence of the Republic of Estonia which intends to provide certified copies to the NATO CCDCOE Sponsoring Nations, HQ SACT and the CP.

THE FOREGOING REPRESENTS THE UNDERSTANDING REACHED BETWEEN THE TA PARTICIPANTS.

SIGNATURE PAGE Technical Arrangement Regarding the Contributions of the National Coordination Center for Cybersecurity under the National Security and Defence Council of Ukraine to the Operation of the NATO Cooperative Cyber Defence Centre of Excellence

**For the National Coordination Center for Cybersecurity under the National Security and Defence Council of Ukraine**

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**For the Ministry of Defence of the Republic of Estonia**

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**For the Ministry of Defence of the Kingdom of Belgium**

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**For the Ministry of Defence of the Republic of Bulgaria**

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**For the National Department of Defence of Canada and Canadian Armed Forces**

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**For the Ministry of Defence of the Republic of Croatia**

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**For the National Security Authority of the Czech Republic**

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**For the Ministry of Defence of Denmark**

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**For the Minister of Defence of the French Republic**

*Although recognizing that this TA states it does not create any rights or obligations under international law, France nevertheless abides by it and insists that the provisions of this TA be respected by all the Participants.*

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**For the Federal Ministry of Defence of the Federal Republic of Germany**

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**For the Ministry of National Defence of the Hellenic Republic**

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**For the Ministry of Defence of Hungary**

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**For the Ministry of Defence of the Italian Republic**

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**For the Ministry of Defence of the Republic of Latvia**

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**For the Ministry of National Defence of the Republic of Lithuania**

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**For the Ministry of Defence of the Grand Duchy of Luxembourg**

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SIGNATURE PAGE Technical Arrangement Regarding the Contributions of the National Coordination Center for Cybersecurity under the National Security and Defence Council of Ukraine to the Operation of the NATO Cooperative Cyber Defence Centre of Excellence

**For the Ministry of Defence of Montenegro**

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**For the Minister of Defence of the Kingdom of the Netherlands**

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**For the Ministry of Defence of the Kingdom of Norway**

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**For the Minister of National Defence of the Republic of Poland**

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**For the Ministry of National Defence of Portugal**

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**For the Ministry of National Defence of Romania**

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**For the Ministry of Defence of the Slovak Republic**

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**For the Ministry of Defence of the Republic of Slovenia**

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**For the Minister of Defence of the Kingdom of Spain**

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**For the General Staff of the Republic of Türkiye**

*This Technical Arrangement will enter into effect on the date of the written notification regarding the completion of internal legal procedures required for the entry into effect of this Technical Arrangement. The amendments for the aforementioned Technical Arrangement will enter into effect in accordance with the same legal procedure.*

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**For the Ministry of Defence of the United Kingdom**

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**For the Department of Defense of the United States of America**

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