

5. The providing Party may also mark classified information to specify any limitations on its use, disclosure, transmittal or access, and additional security requirements for its protection by the receiving Party, including institutions or entities of the receiving Party. Canada may also mark protected information to specify any limitations on its use, disclosure, transmittal or access, and additional security requirements for its protection by the EU, including an institution or entity not mentioned in Article 3(1).

## ARTICLE 5

### Protection of Classified Information

1. The receiving Party shall ensure that classified information received from the providing Party:
  - (a) retains the marking affixed to it by the providing Party in accordance with Article 4;
  - (b) is not downgraded or declassified without the prior consent in writing of the providing Party;
  - (c) without prejudice to paragraph 2, is not disclosed or released to third parties, or to any institution or entity of the Parties not mentioned in Article 3 without the prior consent in writing of the providing Party;
  - (d) is handled in compliance with any limitations which the providing Party has marked on the classified information in accordance with Article 4(5);
  - (e) is safeguarded in accordance with this Agreement and the implementing administrative arrangements referred to in Article 11.
  
2. The receiving Party shall inform the providing Party of any request by a judicial authority, or legislative authority acting in an investigative capacity, to obtain classified information received from the providing Party under this Agreement. In assessing such a request, the receiving Party shall take the views of the providing Party into account to the maximum extent possible. If, by virtue of the receiving Party's laws and regulations, that request entails transmission of the said classified information to the requesting judicial or legislative authority, the receiving Party shall ensure, to the maximum extent possible, that the information is appropriately protected, including from any subsequent disclosure.