



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 23 March 2007

7778/07

**CSC 12
PESC 353
JAI 153**

INFORMATION NOTE

From : General Secretariat of the Council
To : Delegations
Subject : Exchange of EU classified information (EUCI) with third countries and organisations

1. Delegations will find attached for information details of all security agreements or administrative arrangements under which EU classified information (EUCI) may be exchanged with third parties:
 - Annex I gives details of permanent security of information agreements with third countries which have entered into force¹. Under such agreements, EUCI may be exchanged with Norway, the former Yugoslav Republic of Macedonia, Ukraine and Iceland;
 - Annex II gives details of permanent security of information agreements with international organisations which have entered into force. One such agreement exists with NATO.²

¹ Agreements are currently under negotiation with Canada, the Russian Federation and the USA. An Agreement has been negotiated with Turkey, but has not yet been approved by the Council. Agreements with Croatia and Bosnia and Herzegovina have entered into force but their respective Implementing Arrangements have not yet been finalised. Negotiations have been completed with Switzerland, but the Agreement has not yet been signed. EU classified information cannot therefore be exchanged yet with any of the States mentioned in this footnote on a systematic basis.

² A cooperation and assistance agreement with International Criminal Court (ICC) (cf. OJ L115 of 28 April 2006) that also covers the exchange of EUCI has entered into force. As the necessary implementing arrangements have not yet been finalised, no exchange of EUCI is authorised at this time.

- Annex III gives details of permanent administrative arrangements governing the exchange of classified information up to RESTREINT UE with certain international organisations. These currently exist with Europol, the European Space Agency (ESA) and the United Nations.³
2. These agreements or arrangements provide the necessary guarantees for the protection of EUCI released to third parties relating to any area of the Union's activity. The tables in these annexes list the documents which constitute the basis for exchanging EU classified information with each third country or organisation, and indicate the maximum level of EUCI which may be exchanged. Where electronic transmission of EUCI is possible, the maximum level releasable in this way is also indicated. However specific conditions usually apply which may vary from agreement to agreement. These can be verified with the GSC Infosec Office.
 3. In addition, specific agreements more limited in scope have been concluded with a number of third countries. These agreements may be concluded for an indefinite period (such as framework participation agreements with third States taking part in EU-led ESDP crisis management operations) or on a temporary or *ad hoc* basis.
 - Annex IV lists the third States with which framework participation agreements have been concluded and which enable the exchange of EUCI relevant for ESDP crisis management operations on the basis of an undertaking by the third State to apply the Council's security regulations;
 - Annex V lists *ad hoc* agreements or arrangements of limited duration with third States or organisations which are currently valid and allow the exchange of EUCI in specific operational contexts.
 4. Should any need arise exceptionally for classified documents to be released to any third State or organisation not covered by existing agreements or arrangements, the procedure for doing so, involving consultation of the Council Security Committee and a decision by COREPER, is set out in document 14125/02.
 5. This note cancels and replaces doc. 5873/07. Regular updates will be provided by the Secretariat as new agreements enter into force or arrangements are concluded.

³ Permanent administrative arrangements to exchange EUCI up to the level of RESTREINT UE are being sought with OSCE (cf. doc. 13820/1/03 REV 1) and the African Union (cf. doc. 11244/05).

SECURITY AGREEMENTS WITH THIRD COUNTRIES

NORWAY	
AGREEMENT	
Signature	22.11.2004
Publication	OJ L 362, 9.12.2004, p. 28
Entry into force	1.12.2004
IMPLEMENTING ARRANGEMENTS	
Date agreed	22.10.2004
Document reference	6944/05
Most recent security inspection	27-28.9.2005
RELEASE OF EUCI	
Date from which exchange of EUCI effective	1.12.2004
Maximum level releasable	TRES SECRET UE/EU TOP SECRET
Maximum level releasable electronically	CONFIDENTIEL UE
Delegation of release to SG/HR	21.12.2004 (doc. 16082/04)

FORMER YUGOSLAV REPUBLIC OF MACEDONIA	
AGREEMENT	
Signature	25.3.2005
Publication	OJ L 094, 13.4.2005, p. 39
Entry into force	1.8.2005
IMPLEMENTING ARRANGEMENTS	
Date agreed	13.6.2005
Document reference	10123/05
Most recent security inspection	24-25.5.2005 (Infosec 16-17.5.2006)
RELEASE OF EUCI	
Date from which exchange of EUCI effective	1.8.2005
Maximum level releasable	SECRET UE
Maximum level releasable electronically	None
Delegation of release to SG/HR	14.2.2006 (doc. 5010/06)

UKRAINE	
AGREEMENT	
Signature	13.06.2005
Publication	OJ L 172, 5.7.2005, p. 83
Entry into force	01.02.2007
IMPLEMENTING ARRANGEMENTS	
Date agreed	13.10.2005
Document reference	16037/05 + COR 1
Most recent security inspection	26-28.4.2005
RELEASE OF EUCI	
Date from which exchange of EUCI effective	02.02.2007 (doc. 6471/07)
Maximum level releasable	RESTREINT UE
Maximum level releasable electronically	None
Delegation of release to SG/HR	19.03.2007 (doc. 6521/07)

ICELAND	
AGREEMENT	
Signature	12.06.2006
Publication	OJ L 184, 6.7.2006 p. 34
Entry into force	01.03.2007
IMPLEMENTING ARRANGEMENTS	
Date agreed	22.02.2007
Document reference	6882/07
Most recent security inspection	8-9.11.2005
RELEASE OF EUCI	
Date from which exchange of EUCI effective	01.03.2007 (doc. 6909/07)
Maximum level releasable	CONFIDENTIEL UE
Maximum level releasable electronically	RESTREINT UE
Delegation of release to SG/HR	Council Decision to be adopted shortly (doc. 7312/07)

SECURITY AGREEMENTS WITH INTERNATIONAL ORGANISATIONS

NATO	
AGREEMENT	
Signature	14.3.2003
Publication	OJ L 080, 27.3.2003, p. 35
Entry into force	14.3.2003
IMPLEMENTING ARRANGEMENTS	
Date agreed	3.6.2003
Document reference	10006/03
Most recent security inspection	26.4.2005
RELEASE OF EUCI	
Date from which exchange of EUCI effective	3.6.2003
Maximum level releasable	TRES SECRET UE/EU TOP SECRET
Maximum level releasable electronically	TRES SECRET UE/EU TOP SECRET
Delegation of release to SG/HR	24.2.2003 (doc. 5652/03)

PERMANENT ADMINISTRATIVE ARRANGEMENTS

EUROPOL	
LETTER OF SG/HR	
Document	12332/05
Date sent	30.9.2005
LETTER OF DIRECTOR OF EUROPOL	
Document	14050/05
Date sent	26.10.2005
Most recent security inspection	Date to be fixed
RELEASE OF EUCI	
Date from which exchange of EUCI effective	26.10.2005
Maximum level releasable	SECRET UE (pending inspection)
Maximum level releasable electronically	None

EUROPEAN SPACE AGENCY	
LETTER OF SG/HR	
Document	13820/1/03 REV 1
Date sent	2.12.2003
LETTER OF DIRECTOR GENERAL OF ESA	
Document	12059/04
Date sent	25.8.2004
Most recent security inspection	20 and 27.1.2005
RELEASE OF EUCI	
Date from which exchange of EUCI effective	17.3.2005
Maximum level releasable	RESTREINT UE
Maximum level releasable electronically	None

UNITED NATIONS	
LETTER OF SG/HR	
Document	8753/05, 16008/04, 13820/1/03 REV 1
Date sent	2.12.2003, 22.12.2004, 7.6.2005
LETTER OF UNDER-SECRETARY-GENERAL FOR PEACEKEEPING OPS	
Document	14616/04, 8557/05, 11556/05
Date sent	4.11.2004, 11.4.2005, 20.7.2005
Most recent security inspection	18-19.10.2005
RELEASE OF EUCI	
Date from which exchange of EUCI effective	29.3.2006
Maximum level releasable	RESTREINT UE
Maximum level releasable electronically	RESTREINT UE (only to DPKO) (doc.12094/06)

**THIRD STATES WITH WHICH FRAMEWORK PARTICIPATION
AGREEMENT FOR ESDP CRISIS MANAGEMENT OPERATIONS HAVE
ENTERED INTO FORCE⁴**

Canada (OJ L 315, 1.12.2005, p. 20)

This agreement allows the exchange of EUCI up to any classification level relating to military or civilian ESDP crisis management operations. This is based on the undertaking, set out in the agreement, that the third country in question will apply the Council's Security Regulations as far as the handling of EUCI is concerned. No electronic transmission of EUCI is permitted.

⁴ The framework participation agreements with Norway and Iceland have been superseded, as far as the exchange of EUCI is concerned, by fully-fledged security agreements (see Annex I). A framework participation agreement has been signed with Turkey (OJ L189, 12.7.2006) but has not yet entered into force.

AD HOC AGREEMENTS OR ARRANGEMENTS WITH THIRD STATES OR ORGANISATIONS ALLOWING THE EXCHANGE OF EUCI IN SPECIFIC CONTEXT

European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH)⁵

- Canada** Agreement between the European Union and Canada on the participation of Canada in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) (Provisional application of draft agreement (see 12644/1/02 REV1 and telexes No T6043EN of 19 December 2002 and T6067EN of 20 December 2002))
- Iceland** Agreement between the European Union and the Republic of Iceland on the participation of the Republic of Iceland in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) (OJ L 239, 25.9.2003)
- Swiss Confederation** Agreement between the European Union and the Government of the Swiss Confederation, represented by the Federal Department of Foreign Affairs, on the participation of Switzerland in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) (OJ L 239, 25.9.2003)
- Norway** Agreement between the European Union and the Kingdom of Norway on the participation of the Kingdom of Norway in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) (OJ L 239, 25.9.2003)
- Turkey** Agreement between the European Union and the Republic of Turkey on the participation of the Republic of Turkey in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) (OJ L 239, 25.9.2003)
- Ukraine** Agreement between the European Union and Ukraine on the participation of Ukraine in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) (OJ L 239, 25.9.2003)

⁵ The agreements listed for EUPM allow the possibility of exchanging EUCI relating to EUPM up to any level, based on the undertaking, set out in each agreement, that the third country in question will apply the Council Security Regulations as far as the handling of EUCI is concerned. No electronic transmission of EUCI is permitted. In practice, however, the exchange of EUCI is limited to RESTREINT UE.

European Union military crisis management operation in Bosnia and Herzegovina (Operation Althea)^{6 7}

Albania	Agreement between the European Union and the Republic of Albania on the participation of the Republic of Albania in the European Union military crisis management operation in Bosnia and Herzegovina (Operation Althea) (OJ L65, 11.3.2005)
Argentine Republic	Agreement between the European Union and the Argentine Republic on the participation of the Argentine Republic in the European Union military crisis management operation in Bosnia and Herzegovina (Operation Althea) (OJ L156, 18.6.2005)
Chile	Agreement between the European Union and the Republic of Chile on the participation of the Republic of Chile in the European Union military crisis management operation in Bosnia and Herzegovina (Operation ALTHEA) (OJ L202, 3.8.2005)
Morocco	Agreement between the European Union and the Kingdom of Morocco on the participation of the Kingdom of Morocco in the European Union military crisis management operation in Bosnia and Herzegovina (Operation Althea) (OJ L34, 8.2.2005)
New Zealand	Agreement between the European Union and New Zealand on the participation of New Zealand in the European Union military crisis management operation in Bosnia and Herzegovina (Operation Althea) (OJ L127, 20.5.2005)
Swiss Confederation	Agreement between the European Union and the Swiss Confederation on the participation of the Swiss Confederation in the European Union military crisis management operation in Bosnia and Herzegovina (operation ALTHEA) (OJ L20, 22.1.2005)

⁶ The agreements listed for Althea allow the exchange of EUCI up to any level, based on the undertaking, set out in each agreement, that the third country in question will apply the Council Security Regulations as far as the handling of EUCI is concerned. No electronic transmission of EUCI is permitted.

⁷ EU classified information generated for the purposes of Operation Althea may be released to Canada, Iceland, Norway and Turkey (participating third countries which are members of NATO) under the EU-NATO security of information agreement (see Annex II).

European Union Police Mission (EUPOL KINSHASA) to the Democratic Republic of Congo⁸

- Canada** Administrative arrangement on the participation of Canada in EUPOL KINSHASA, exchange of letters (letter of 6 April 2005 signed by Jeremy Kinsman, Ambassador of Canada to the EU; reply of 29 April 2005 signed by SG/HR Javier Solana)
- Turkey** Administrative arrangement on the participation of Turkey in EUPOL KINSHASA, exchange of letters (letter of 25 November 2005 signed by Oguz Demirap, Ambassador of Turkey to the EU; reply of 1 December 2005 signed by SG/HR Javier Solana)
- Mali** Administrative arrangement on the participation of the Republic of Mali in EUPOL KINSHASA, exchange of letters (letter of 27 June 2006 signed by SG/HR Javier Solana, reply of 9 October 2006 signed by Ibrahim Bocar, Ambassador of the Republic of Mali in Belgium) (14578/06)

EUFOR RD Congo⁹

- Turkey** Administrative arrangement on the release of EUCI related to operation EUFOR RD Congo (doc. 11247/06)

⁸ Under these administrative arrangements, the maximum possible level of EUCI releasable relating to EUPOL KINSHASA is CONFIDENTIEL UE. No electronic transmission of EUCI is permitted. In practice, the exchange of EUCI is limited to RESTREINT UE.

⁹ Under this administrative arrangement, the maximum level of EUCI releasable is CONFIDENTIEL UE. No electronic transmission of EUCI is permitted.