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INFORMATION NOTE

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

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2. The agreements or arrangements listed in Annexes I, II and III 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 State or international 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 or arrangements more limited in scope have been concluded with a number of third States. Annex IV lists the agreements concluded for an indefinite period with third States taking part in ESDP crisis management operations. Annex V lists *ad hoc* agreements or arrangements of limited duration with third States which allow the release of EUCI in specific operational contexts.
4. Should any need arise exceptionally for EUCI to be released to any third State or international 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. 14477/08 + COR 1. Regular updates will be provided by the Secretariat as new agreements enter into force or arrangements are concluded.

A. PERMANENT SECURITY AGREEMENTS WITH THIRD STATES

The tables hereafter give details of permanent security agreements with third States which have entered into force and under which exchange of classified information may take place.

NORWAY	
Agreement	
Signature	22.11.2004
Publication	OJ L 362, 9.12.2004, p. 29
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 authority 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	29.3.07 (revised version)
Document reference	8578/07 (revised version)
Most recent security inspection	8-9.10.08
Release of EUCI	
Date from which exchange of EUCI effective	1.8.2005
Maximum level releasable	SECRET UE
Maximum level releasable electronically	RESTREINT UE
Delegation of release authority to SG/HR	14.2.2006 (doc. 5010/06)

UKRAINE	
Agreement	
Signature	13.06.2005
Publication	OJ L 172, 5.7.2005, p. 84
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 authority to SG/HR	18.02.2008 (doc. 6521/07)

ICELAND	
Agreement	
Signature	12.06.2006
Publication	OJ L 184, 6.7.2006 p. 35
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 authority to SG/HR	16.04.2007 (doc. 7312/07)

UNITED STATES OF AMERICA**Agreement**

Signature	30.4.2007
Publication	OJ L 115, 03.05.2007, p. 30
Entry into force	30.4.2007

Implementing Arrangements

Date agreed	18.07.2007
Document reference	12142/07
Most recent security inspection	5-6.4.2007

Release of EUCI

Date from which exchange of EUCI effective	26.07.2007 (doc. 12233/07)
Maximum level releasable	TRES SECRET UE/EU TOP SECRET
Maximum level releasable electronically	CONFIDENTIEL UE
Delegation of release authority to SG/HR	18.9.2007 (doc. 12040/07)

CROATIA**Agreement**

Signature	10.4.2006
Publication	OJ L 116, 29.4.2006, p. 74
Entry into force	1.11.2006

Implementing Arrangements

Date agreed	29.10.2007
Document reference	15403/07
Most recent security inspection	26-27.9.2007

Release of EUCI

Date from which exchange of EUCI effective	12.11.2007 (doc. 15400/07)
Maximum level releasable	CONFIDENTIEL UE
Maximum level releasable electronically	None
Delegation of release authority to SG/HR	20.12.2007 (doc. 15922/07)

SWITZERLAND	
Agreement	
Signature	28.4.2008
Publication	OJ L 181, 10.7.2008, p. 58
Entry into force	1.6.2008
Implementing Arrangements	
Date agreed	10.7.2008
Document reference	12037/08
Most recent security inspection	20-21.5.2008
Release of EUCI	
Date from which exchange of EUCI effective	18.7.2008 (doc. 11367/08)
Maximum level releasable	SECRET UE
Maximum level releasable electronically	CONFIDENTIEL UE
Delegation of release authority to SG/HR	15.9.2008 (12000/08)

B. AGREEMENTS UNDER NEGOTIATION OR NOT YET IMPLEMENTED

The table hereafter lists agreements with third States which have not yet been concluded or are not yet implemented. EU classified information cannot yet be exchanged on a systematic basis with these States.

Third State concerned	Status of the agreement
Australia	Negotiating mandate approved by the Council on 9.3.2009 (doc. 7073/09). Negotiations to start
Bosnia and Herzegovina	Entered into force on 1.5.2006 (OJ L 324, 27.10.2004, p. 16) but full implementation is pending finalisation of security arrangements
Canada	Under negotiation
Israel	Approved by the Council on 16.3.2009 (doc. 15610/08)
Liechtenstein	Negotiating mandate approved by the Council on 10.6.2008 (doc. 10124/08). Negotiations to start
Turkey	Negotiated but not yet approved by the Council
Russian Federation	Agreed <i>ad referendum</i> at negotiators' level

A. PERMANENT SECURITY AGREEMENTS WITH INTERNATIONAL ORGANISATIONS

The table hereafter gives details of the permanent security agreements with international organisations which have entered into force and under which exchange of classified information may take place.

NATO	
Agreement	
Signature	14.3.2003
Publication	OJ L 080, 27.3.2003, p. 36
Entry into force	14.3.2003
Implementing Arrangements	
Date agreed	3.6.2003
Document reference	10006/03
Most recent security inspection	25.4.2007
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	SECRET UE
Delegation of release authority to SG/HR	27.3.2003 (doc. 7588/03)

ICC	
Agreement	
Signature	10.4.2006
Publication	OJ L 115 of 28 April 2006, p. 50
Entry into force	1.5.2006
Implementing Arrangements	
Date agreed	31 March 2008
Document reference	8349/1/08 REV 1
Most recent security inspection	24.1.2008
Release of EUCI	
Date from which exchange of EUCI effective	7 April 2008 (8410/08)
Maximum level releasable	RESTREINT UE
Maximum level releasable electronically	None
Delegation of release authority to SG/HR	26.5.2008 (8786/08)

ESA	
Agreement	
Signature	18.7.2008
Publication	OJ L 219, 14.8.2008, p. 59
Entry into force	1.8.2008
Implementing Arrangements	
Date agreed	29.8.2008
Document reference	12839/08
Most recent security inspection	12.7.2007
Release of EUCI	
Date from which exchange of EUCI effective	10.9.2008 (doc. 13308/08)
Maximum level releasable	TRES SECRET UE/EU TOP SECRET
Maximum level releasable electronically	RESTREINT UE
Delegation of release authority to SG/HR	24.10.2008 (doc. 13678/08)

A. PERMANENT ADMINISTRATIVE ARRANGEMENTS

The tables hereafter give details of permanent administrative arrangements governing the exchange of EUCI. With the exception of Europol for exchange with SITCEN, such administrative arrangements allow the exchange of EUCI at level RESTREINT UE only.

EUROPOL (for exchange with GSC (SITCEN))	
Letter of SG/HR	
Document	12332/1/05 REV 1
Date sent	30.9.2005
Letter of Director of EUROPOL	
Document	14050/05
Date sent	26.10.2005
Most recent security inspection	29.5.2008
Release of EUCI	
Date from which exchange of EUCI effective	26.10.2005
Maximum level releasable	TRES SECRET UE/EU TOP SECRET
Maximum level releasable electronically	None
Delegation of release authority to SG/HR	23.07.07 (11827/07)

EUROPOL (for exchange with civilian ESDP missions)	
Letter of SG/HR	
Document	10817/08
Date sent	1.8.2008
Letter of Director of Europol	
Document	13311/08
Date sent	25.8.2008
Most recent security inspection	29.5.2008
Release of EUCI	
Date from which exchange of EUCI effective	25.8.08
Maximum level releasable	RESTREINT UE
Maximum level releasable electronically	None
Delegation of release authority to SG/HR	23.07.07 (11827/07)

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 Operations	
Document	14616/04, 8557/05, 11556/05
Date sent	4.11.2004, 11.4.2005, 20.7.2005
Most recent security inspection	24.10.2007
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)
Delegation of release authority to SG/HR	23.07.07 (11827/07)

B. ADMINISTRATIVE ARRANGEMENTS UNDER NEGOTIATION OR NOT YET IMPLEMENTED

Permanent administrative arrangements are being sought with the **OSCE** (cf. doc. 13820/1/03 REV 1) and the **African Union** (cf. doc. 11244/05). A permanent administrative arrangement is in place with FRONTEX (doc. 5273/09), but its implementation is pending the outcome of an inspection to take place in the course of 2009.

FRAMEWORK AGREEMENTS WITH THIRD STATES FOR THEIR PARTICIPATION IN ESDP CRISIS MANAGEMENT OPERATIONS

- A. The tables hereafter give details of the framework participation agreements with Canada and Turkey, which allow 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 agreements, that the third States 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. Delegation of release authority to the SG/HR is usually given in the Joint Action launching each specific operation.

CANADA	
Framework Participation Agreement	
Signature	24.11.2005
Publication	OJ L 315, 1.12.2005 p. 21
Entry into force	01.12.2005
Release of EUCI	
Maximum level releasable	To be decided by the Council when adopting the legal act establishing each specific operation
Maximum level releasable electronically	None

TURKEY	
Framework Participation Agreement	
Signature	29.06.2006
Publication	OJ L 189, 12.07.2006 p. 17
Entry into force	01.08.2007
Release of EUCI	
Maximum level releasable	To be decided by the Council when adopting the legal act establishing each specific operation
Maximum level releasable electronically	None

- B. The framework participation agreements with **Norway**, **Iceland** and **Ukraine** have been superseded, as far as the exchange of EUCI is concerned, by permanent security agreements (see Annex I).

AD HOC AGREEMENTS OR ARRANGEMENTS WITH THIRD STATES FOR THEIR PARTICIPATION IN ESDP CRISIS MANAGEMENT OPERATIONS

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

The Joint Action establishing EUPM¹ allows the release of EUCI generated for the purposes of the operation up to the level of RESTREINT UE, based on the undertaking, set out in each agreement, that the third State 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.

Third State	Agreement	Publication
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, p. 5
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, p. 32
Switzerland	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, p. 14
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, p. 35
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, p. 38

¹ For Canada's participation in the operation, the EU and Canada have agreed on the provisional application of the draft Agreement between the European Union and Canada on the participation of Canada in the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH) (see 12644/1/02 REV1 and telexes No T6043EN of 19 December 2002 and T6067EN of 20 December 2002).

European Union military crisis management operation in Bosnia and Herzegovina (Operation ALTHEA)

The agreements listed for ALTHEA allow the exchange of EUCI generated for the purposes of the operation up to any classification level, based on the undertaking, set out in each agreement, that the third State 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.

Third State	Agreement	Publication
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 L 65, 11.3.2005, p. 35
Argentina	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 L 156, 18.6.2005, p. 22
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 L 202, 3.8.2005, p. 40
FYROM	<i>See permanent security Agreement in Annex I</i>	
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 L 34, 8.2.2005, p. 47
Switzerland	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 L 20, 22.1.2005, p. 42 ²

² In accordance with Article 3(2) of this Agreement, the provisions of the security Agreement referred to in Annex I apply for the exchange of classified information in the context of the EU military crisis management operation.

European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN)

The Joint Action establishing EUPOL AFGHANISTAN allows the exchange of EUCI generated for the purposes of the operation up to CONFIDENTIEL UE. The participation Agreements allow for the release of EUCI based on the undertaking, set out in each agreement, that the third State 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.

Third State	Agreement	Publication
Croatia	<i>See permanent security Agreement in Annex I</i>	
New Zealand	Agreement between the European Union and New Zealand on the participation of New Zealand in the European Union Police Mission in Afghanistan (EUPOL AFGHANISTAN)	OJ L 274, 18.10.2007, p. 18 OJ L 290, 8.11.2007, p. 22

European Union military operation in the Republic of Chad and in the Central African Republic (Operation EUFOR Tchad/RCA)

The Joint Action establishing Operation EUFOR Tchad/RCA allows the exchange of EUCI generated for the purposes of the operation up to the relevant level of classification respectively for each of the participating States. The participation Agreements allow for the release of EU classified information based on the undertaking, set out in each agreement, that the third State 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.

Third State	Agreement	Publication
Albania	Agreement between the European Union and the Republic of Albania on the participation of the Republic of Albania in the European Union military operation in the Republic of Chad and in the Central African Republic (Operation EUFOR Tchad/RCA)	OJ L 217, 13.8.2008, p. 19 and OJ L 219, 14.08.2008, p. 74
Croatia	<i>See permanent security Agreement in Annex I</i>	
Russia	Agreement between the European Union and the Russian Federation on the participation of the Russian Federation in the European Union military operation in the Republic of Chad and in the Central African Republic (EUFOR Tchad/RCA)	OJ L 307, 18.11.2008, p.16

European Union Rule of Law Mission in Kosovo, EULEX KOSOVO

The Joint Action establishing the EULEX KOSOVO mission allows the exchange of EUCI generated for the purposes of the mission up to the relevant classification level respectively for each of the participating third parties.

Third State	Agreement	Publication
Croatia	<i>See permanent security Agreement in Annex I</i>	
Switzerland	<i>See permanent security Agreement in Annex I</i>	
United States of America	<i>See permanent security Agreement in Annex I</i>	

European Union Police Mission and its Justice Interface in the Democratic Republic of Congo (EUPOL RD Congo)

The Joint Action establishing EUPOL RD Congo allows the exchange of EUCI generated for the purposes of the operation up to CONFIDENTIEL UE. The administrative arrangement listed below allows for the release of EU classified information based on the undertaking that the third State 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.

Third State	Administrative Arrangement	Publication
Angola	Exchange of letters between the SG/HR (SGS8/0603 of 18 January 2008) and the Ambassador of the Republic of Angola in Belgium (OF/430/EMBRUX/08 of 26 June 2008) constituting an Administrative Arrangement	N/A